NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Re: Lead In Soft Food and Beverage Containers

February 12, 2007

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 61st 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: Bag Bazaar, Ltd., 1 E 33rd Street, Floor 6, New York, NY 10016
- The violations have been occurring since at least February 9, 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 soft food and beverage containers, including but not limited to lunch boxes, lunch bags and coolers. The Lead is contained in these products. A non-exclusive example of this specific type of product is attached hereto as Exhibit 1.
- Description of Violations: Use of the products identified in this notice results in human exposures to Lead. The soft food and beverage containers contain Lead. The route of exposure for the violations is direct ingestion when consumers (especially children) place items that have been stored in the products in their mouths, ingestion via hand to mouth contact after consumers touch or handle the products or items that have been stored in the products, and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. These exposures occur in homes, schools, workplaces and everywhere else throughout California where these products are touched 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 against each violator named herein unless the alleged

violator enters into a binding written agreement to: (1) recall products already sold; (2) provide a clear and reasonable warning for products sold in the future or reformulate such products to eliminate the Lead exposure; and (3) 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 counsel for the Center for Environmental Health: Mark N. Todzo, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1: Non-Exclusive Examples of the Products

By Center for Environmental Health

Re: Lead In Soft Food and Beverage Containers

Noticed Parties	Non-Exclusive Examples of the Products	SKU, Description
Bag Bazaar, Ltd.	Total Girl, Pink Flower Lunchbox	47417 20451

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Mark N. Todzo, 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: February 12, 2007

Mark N. Todzo
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 February 12, 2007, 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 February 12, 2007, 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 February 12, 2007, at San Francisco, California.

Signed: Angela Walker

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

District Attorney of Amador County
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Jackson, CA 95642

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Oroville, CA 95965

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District Attorney of Calaveras County
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2220 Tulare Street, #1000
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El Centro, CA 92243

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