

NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Re: Lead in Jewelry

April 27, 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 ("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 April 27, 2004 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 parts of the jewelry. The route of exposure for the violations is ingestion via hand to mouth contact after consumers touch or handle the products, direct ingestion when consumers place the products in their mouths, 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, handled or used. 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 remedy the violations alleged herein by: (1) recalling products already sold; (2) providing a clear and reasonable warning for products sold in the future or reformulating such products to eliminate the Lead exposure; and (3) paying 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 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
April 27, 2007 Notice of Violation
Re: Lead in Jewelry

Almar Sales Co., Inc.
31 W. 34th St., Floor 8
New York, NY 10001

Almart Retail Development Company,
Inc.
109 E. Eastridge Mall
San Jose, CA 95122

Amscan Holdings, Inc.
80 Grasslands Rd., Ste. 4
Elmsford, NY 10523

Club Libby Lu, Inc.
750 Lakeshore Parkway
Birmingham, AL 35211

Cousin Corporation of America
12333 Enterprise Blvd.
Largo, FL 33773

The Estée Lauder Companies Inc.
767 5th Ave., Fl. 36
New York, NY 10153

Estée Lauder Inc.
7 Corporate Center Dr.
Melville, NY 11747

Ethel & Myrtle, Inc.
2040 Humble Place Dr.
Humble, TX 77338

Ideal Stationers, Inc.
25 Pelican Way
San Rafael, CA 94901

Imperial Toy LLC
2060 E. 7th St.
Los Angeles, CA 90021

McCaulou's, Inc.
3512 Mt. Diablo Blvd.
Lafayette, CA 94549

No Fear, Inc.
2251 Faraday Ave.
Carlsbad, CA 92008

No Fear Retail Stores, Inc.
2251 Faraday Ave.
Carlsbad, CA 92008

Peter David, Inc.
10890 Thornmint Road, Suite A
San Diego, CA 92127

Raley's
500 W. Capitol Ave.
West Sacramento, CA 95605

Regis Corporation
7201 Metro Blvd.
Minneapolis MN 55439

Rue 21, Inc.
800 Commonwealth Dr.
Warrendale, PA 15086

Safeway Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-3229

Save Mart Supermakets
4180 Standiford Ave.
Modesto, CA 95350

Strasburg-Jarvis, Inc. dba Strasburg
Children
9810 Industrial Blvd.
Lenexa, KS 66215

T.J. Maxx of California, LLC
770 Cochituate Rd.
Framingham, MA 01701

The TJX Companies, Inc.
770 Cochituate Rd.
Framingham, MA 01701

Ulta Salon, Cosmetics & Fragrance, Inc.
1135 Arbor Dr.
Romeoville, IL 60446

EXHIBIT 2: Non-Exclusive Examples of the Products
April 27, 2007 Notice of Violation
Re: Lead in Jewelry

Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Almar Sales Co., Inc.; Save Mart Supermarkets	Expressions Metal and CZ Hair Clips	Item # BJ1600 Barrettes; Manuf. ID# 0-24576-77109-6; SMA RHSTN O/B BRTE
Almart Retail Development Company, Inc.	Metal and CZ Hair Clip	Retail ID# 674159-100; Manuf. ID# 9-99999-12003-8
Amscan Holdings, Inc.	Princess Tiara with Comb	Retail ID# 48419694533; Manuf ID# 254516-319
Club Libby Lu, Inc.	Store Whistle Necklace	Retail ID# 53223-8; Manuf. ID# 4-00300-00377-8
Cousin Corporation of America	Just Enough Turtle Charm	1 PC Charm Turtle; Retail ID #21500-177 Turtle; Manuf. ID# 0-16321-31347-6
Estée Lauder Inc.; The Estée Lauder Companies Inc.	Precious Poodle Charm	Retail ID# 391941; Manuf. ID# 0-27131-15701-4
Ethel & Myrtle, Inc.	Metal and CZ Bracelet with 32 Jewels	Retail ID# 17-J6 1153 17-32
Ideal Stationers, Inc.	Flip-flop Necklace	Retail ID# 0-65810-05129-1; Manuf. ID# EJ 7261
Imperial Toy LLC; Safeway, Inc.	Petite Miss Flower Blossom Pendant	Retail ID# K6 Gm/HBC 20 16; Manuf. ID# 0-76666-21438-9
McCaulou's, Inc.	32 Jewels Metal and CZ pin	Retail ID# 17-B7 P1407 17-32
No Fear, Inc.; No Fear Retail Stores, Inc.	Metal and CZ Crown Necklace	Retail ID# WAJ OL RCPEND BLG OLA-RCPEND-BLIN
Peter David, Inc.	Raider Pirate Logo Necklace	Retail ID #603301120000
Raley's	Metal and CZ Ponytailer	Retail ID# 0-43194-58276-1; Manuf. ID# 58276-A

Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Regis Corporation	Metal and CZ Hairclips	Retail ID# 16153; Manuf. ID# 7-94580-77711-2
Rue21, Inc.	3 card wing, Drop Heart D Earrings	Retail ID# 400095333166
Strasburg-Jarvis, Inc. dba Strasburg Children	Pearl Necklace with Cross Charm	Retail ID# JB-SWPC581-6; Manuf. ID#45099458
T.J. Maxx of CA, LLC; The TJX Companies, Inc.	Toby & Me Pearl Necklace and Earrings	Retail ID# 997756; Manuf. ID# RN# 93082
Ulta Salon, Cosmetics & Fragrance, Inc.	Aimée Metal and CZ Hair Clips	Aimee Flower Rhinestone; Retail ID# 075188003877-5520; Manuf. ID# 0-755188-00932-1

CERTIFICATE OF MERIT
Health & Safety Code §25249.7(d)

I, Eric S. Somers, 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.

April 27, 2007



Eric S. Somers
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 April 27, 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).

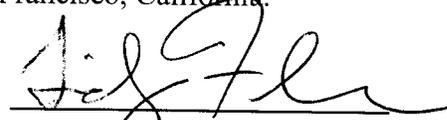
I placed a true copy of this paper in an envelope addressed to:

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 April 27, 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 April 27, 2007, at San Francisco, California.

Signed:


Lindsay Fleece

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
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515 Main Street
Placerville, CA 95667

District Attorney of Calaveras
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District Attorney of Fresno County
2220 Tulare Street, #1000
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District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt
County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 W. Main Street
El Centro, CA 92243

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

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

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Merced, CA 95340

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

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Santa Ana, CA 92702

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Auburn, CA 95603

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Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

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520 Main Street, Room 404
Quincy, CA 95971

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330 West Broadway, Suite 1320
San Diego, CA 92101

District Attorney of Riverside
County
4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney of San Francisco
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850 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of Sacramento
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901 "G" Street
Sacramento, CA 95814

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95201

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Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito
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419 Fourth Street, 2nd Floor
Hollister, CA 95023

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

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Courthouse, P.O. Box 457
Downieville, CA 95936

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1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
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Fairfield, CA 94533

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70 West Hedding Street
San Jose, CA 95110

District Attorney of Santa Cruz
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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
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Redding, CA 96001-1632

District Attorney of Stanislaus
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800 11th Street, Room 200
Modesto, CA 95354

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Yuba City, CA 95991

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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
301 Second Street
Woodland, CA 95695

District Attorney of Trinity County
P.O. Box 310
Weaverville, CA 96093

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne County
2 South Green
Sonora, CA 95370

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

Los Angeles City Attorney's Office
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

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

California Attorney General's Office
Attention: Proposition 65 Coordinator
1515 Clay Street, Suite 2000
P.O. Box 7550
Oakland, CA 94612

President*
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Melville, NY 11747

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President and CEO
Rue21, Inc.
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Steven A. Burd*
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