



March 11, 2009

311 California Street, Suite 510
San Francisco, CA 94104
T 415.391.3212
F 415.391.3245
www.asyousow.org

**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies:

As You Sow ("AYS") is a non-profit foundation organized under California's Non-Profit Public Benefit Corporation Law. AYS is dedicated to, among other causes, the protection of the environment, the promotion of human health, the improvement of worker and consumer safety, and environmental education.

AYS has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 *et seq.* This letter serves to provide AYS' notification of these violations to the public enforcement agencies and to the violator. Pursuant to §25249.7(d) of the statute, AYS intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

Alleged violator. The names of the violators covered by this notice are **WATER-JEL TECHNOLOGIES LLC** and **WATER-JEL HOLDINGS INC.** (collectively "Water-Jel").

Chemicals. These violations involve exposures to formaldehyde from the products listed below. On January 1, 1989, the State of California officially listed formaldehyde as a chemical known to cause cancer.

Consumer products. The products that are the subject of this notice are personal care products including lotions, washes, bubble baths, soaps, shower gels, wipes and/or shampoos that are imported, exported, manufactured, packaged, distributed, marketed and/or sold by Water-Jel. The products that are the subject of this notice include but are not limited to the following:

Products

Barbie Berry Sweet Bubble Bath

Chemical

formaldehyde



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Route of exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and use of these products as recommended by the manufacturer. Accordingly, the consumer exposures have occurred and continue to occur primarily through the dermal exposure route, but also may occur through inhalation and/or and ingestion.

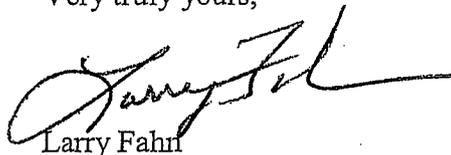
Duration of violations. Each of these ongoing violations has occurred on every day for at least March 11, 2008, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this notice to AYS' counsel in this matter:

Peter S. Gilbert, Esq.
Berry & Berry
2930 Lakeshore Avenue
Oakland, CA 94610
Tel (510) 250-0200
Fax (510) 835-5117

Very truly yours,



Larry Fahr
Executive Director

Enclosure

CERTIFICATE OF MERIT

(Notice of Proposition 65 Violation on Water-Jel Technologies LLC and
Water-Jel Holdings Inc.)

I, Lawrence E. Fahn, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party in the notice has violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.

2. I am Executive Director for the noticing party, and a member in good standing with the State Bar of California.

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 exposure to the listed chemicals that are 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 plaintiffs' case can be established and that 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 the 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: _____

3/11/09


Lawrence E. Fahn

Attachments (for Attorney General copy only)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

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: 311 California Street, Suite 510, San Francisco, CA 94104.

On March 11, 2009, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Michael Pisani, President
Water-Jel Holdings Inc.
Water-Jel Technologies LLC
50 Broad Street
Carlstadt, NJ 07072

Howard Hirsch, CEO
Water-Jel Holdings Inc.
50 Broad Street
Carlstadt, NJ 07072

Mike Lorelli, CEO
Water-Jel Technologies LLC
50 Broad Street
Carlstadt, NJ 07072

On March 11, 2009, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Attn: Ed Weil, Deputy Attorney General
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, CA 94612

On March 11, 2009, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on March 11, 2009, at San Francisco, California.


Karalyn P. Buchner

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

SACRAMENTO COUNTY DISTRICT
ATTORNEY
901 G ST
SACRAMENTO CA 95814

SAN BENITO COUNTY DISTRICT ATTORNEY
419 FOURTH ST, FL 2
HOLLISTER CA 95023

SAN BERNARDINO COUNTY DISTRICT
ATTORNEY
316 N MTN VIEW AVE
SAN BERNARDINO CA 92415-0004

SAN DIEGO COUNTY DISTRICT ATTORNEY
330 W BROADWAY
SAN DIEGO CA 92101

SAN FRANCISCO COUNTY DISTRICT
ATTORNEY
850 BRYANT ST RM 325
SAN FRANCISCO CA 94103

SAN JOAQUIN COUNTY DISTRICT
ATTORNEY
PO BOX 990
STOCKTON CA 95201-0990

SAN LUIS OBISPO COUNTY DISTRICT
ATTORNEY
CITY GOVERNMENT CTR, 4TH FLR
SAN LUIS OBISPO CA 93408

SAN MATEO COUNTY DISTRICT ATTORNEY
400 COUNTY CTR FL 3
REDWOOD CITY CA 94063

SANTA BARBARA COUNTY DISTRICT
ATTORNEY
1112 SANTA BARBARA ST
SANTA BARBARA CA 93101

SANTA CLARA COUNTY DISTRICT
ATTORNEY
70 W HEDDING ST WEST WING
SAN JOSE CA 95110

SANTA CRUZ COUNTY DISTRICT
ATTORNEY
701 OCEAN ST RM 200
SANTA CRUZ CA 95060

SHASTA COUNTY DISTRICT ATTORNEY
1525 COURT ST FL 3
REDDING CA 96001

SIERRA COUNTY DISTRICT ATTORNEY
PO BOX 457
DOWNIEVILLE CA 95936

SISKIYOU COUNTY DISTRICT ATTORNEY
PO BOX 986
YREKA CA 96097

SOLANO COUNTY DISTRICT ATTORNEY
675 TEXAS ST STE 4500
FAIRFIELD CA 94533

SONOMA COUNTY DISTRICT ATTORNEY
600 ADMINISTRATION DR RM 212-J
SANTA ROSA CA 95403

STANISLAUS COUNTY DISTRICT
ATTORNEY
PO BOX 442
MODESTO CA 95353

SUTTER COUNTY DISTRICT ATTORNEY
446 SECOND ST
YUBA CITY CA 95991

TEHAMA COUNTY DISTRICT ATTORNEY
PO BOX 519
RED BLUFF CA 96080

TRINITY COUNTY DISTRICT ATTORNEY
PO BOX 310
WEAVERVILLE CA 96093

TULARE COUNTY DISTRICT ATTORNEY
221 S MOONEY BLVD RM 224
VISALIA CA 93291

TUOLUMNE COUNTY DISTRICT ATTORNEY
423 N WASHINGTON ST
SONORA CA 95370

VENTURA COUNTY DISTRICT ATTORNEY
800 S VICTORIA AVE
VENTURA CA 93009

YOLO COUNTY DISTRICT ATTORNEY
301 SECOND ST
WOODLAND CA 95695

YUBA COUNTY DISTRICT ATTORNEY
215 FIFTH ST
MARYSVILLE CA 95901

LOS ANGELES CITY ATTORNEY'S OFFICE
800 CITY HALL EAST
200 N MAIN ST
LOS ANGELES CA 90012

SAN DIEGO CITY ATTORNEY'S OFFICE
CIVIC CENTER PLAZA
1200 THIRD AVE STE 1620
SAN DIEGO CA 92101

SAN JOSE CITY ATTORNEY'S OFFICE
200 E SANTA CLARA ST FL 6
SAN JOSE CA 95113

SAN FRANCISCO CITY ATTORNEY'S
OFFICE
CITY HALL RM 234
SAN FRANCISCO, CA 94102

PUBLIC ENFORCEMENT AGENCY SERVICE LIST

ALAMEDA COUNTY DISTRICT ATTORNEY 1225 FALLON ST RM 900 OAKLAND CA 94612	ALPINE COUNTY DISTRICT ATTORNEY PO BOX 248 MARKLEEVILLE CA 96120	AMADOR COUNTY DISTRICT ATTORNEY 708 COURT ST STE 202 JACKSON CA 95642
BUTTE COUNTY DISTRICT ATTORNEY 25 COUNTY CTR DR OROVILLE CA 95965	CALAVERAS COUNTY DISTRICT ATTORNEY 891 MTN RANCH RD SAN ANDREAS CA 95249	COLUSA COUNTY DISTRICT ATTORNEY 547 MARKET ST STE 102 COLUSA CA 95932
CONTRA COSTA COUNTY DISTRICT ATTORNEY 725 COURT ST 4 TH FLR MARTINEZ CA 94553	DEL NORTE COUNTY DISTRICT ATTORNEY 450 H ST STE 171 CRESCENT CITY CA 95531	EL DORADO COUNTY DISTRICT ATTORNEY 515 MAIN ST PLACERVILLE CA 95667
FRESNO COUNTY DISTRICT ATTORNEY 2220 TULARE ST STE 1000 FRESNO CA 93721	GLENN COUNTY DISTRICT ATTORNEY PO BOX 430 WILLOWS CA 95988	HUMBOLDT COUNTY DISTRICT ATTORNEY 825 FIFTH ST EUREKA CA 95501
IMPERIAL COUNTY DISTRICT ATTORNEY 940 W MAIN ST EL CENTRO CA 92243	INYO COUNTY DISTRICT ATTORNEY PO BOX D INDEPENDENCE CA 93526	KERN COUNTY DISTRICT ATTORNEY 1215 TRUXTUN AVE BAKERSFIELD CA 93301
KINGS COUNTY DISTRICT ATTORNEY 1400 W LACEY BLVD HANFORD CA 93230	LAKE COUNTY DISTRICT ATTORNEY 255 N FORBES ST LAKEPORT CA 95453	LASSEN COUNTY DISTRICT ATTORNEY 220 S LASSEN ST STE 8 SUSANVILLE CA 96130
L A COUNTY DISTRICT ATTORNEY 210 W TEMPLE ST STE 18000 LOS ANGELES CA 90012-3210	MADERA COUNTY DISTRICT ATTORNEY 209 W YOSEMITE AVE MADERA CA 93637	MARIN COUNTY DISTRICT ATTORNEY 3501 CIVIC CTR DR RM 130 SAN RAFAEL CA 94903
MARIPOSA COUNTY DISTRICT ATTORNEY PO BOX 730 MARIPOSA CA 95338	MENDOCINO COUNTY DISTRICT ATTORNEY PO BOX 1000 UKIAH CA 95482	MERCED COUNTY DISTRICT ATTORNEY 2222 M ST MERCED CA 95340
MODOC COUNTY DISTRICT ATTORNEY 204 S COURT ST RM 202 ALTURAS CA 96101-4020	MONO COUNTY DISTRICT ATTORNEY PO BOX 617 BRIDGEPORT CA 93517	MONTEREY COUNTY DISTRICT ATTORNEY PO BOX 1131 SALINAS CA 93902
NAPA COUNTY DISTRICT ATTORNEY 931 PARKWAY MALL NAPA CA 94559	NEVADA COUNTY DISTRICT ATTORNEY 201 CHURCH ST STE 8 NEVADA CITY CA 95959	ORANGE COUNTY DISTRICT ATTORNEY 401 CIVIC CTR DR WEST SANTA ANA CA 92701
PLACER COUNTY DISTRICT ATTORNEY 10810 JUSTICE CENTER DR STE 240 ROSEVILLE, CA 95678	PLUMAS COUNTY DISTRICT ATTORNEY 520 MAIN ST RM 404 QUINCY CA 95971	RIVERSIDE COUNTY DISTRICT ATTORNEY 4075 MAIN ST RIVERSIDE CA 92501