

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses, Clutches, and Totes  
Made of Vinyl or Imitation Leather  
May 15, 2009

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"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. 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:

- Violator: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least May 15, 2006, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: 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.
- Types of Product: The specific types of products causing this violation are vinyl and imitation leather wallets, handbags, purses, clutches and totes. These products are made of materials and components that contain Lead. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the vinyl or imitation leather fabric used to make the products both as a stabilizer and as a chemical ingredient in some of the dyes, paints and other coloring agents. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products or 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. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead. CEH has issued one other Notice of Violation regarding Lead in these specific types of products, and that notice, which may be found on the California Attorney General's web site at <http://proposition65.doj.ca.gov/default.asp>, is incorporated herein by reference.

**Resolution of Noticed Claims:**

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each of the alleged violators unless such violator enters into a binding written agreement to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; 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 CEH and its counsel Howard Hirsch at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111, hhirsch at lexlawgroup.com.

**EXHIBIT 1**  
**May 15, 2009 Notice of Violation**  
**Lead in Wallets, Handbags, Purses, Clutches, and Totes**  
**Made of Vinyl or Imitation Leather**

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p style="text-align: center;"><b>Anchor Blue Retail Group, Inc.</b>            2501 East Guasti Road            Ontario, CA 91761</p> <p style="text-align: center;"><b>Hub Distributing, Inc.</b>            2501 East Guasti Road            Ontario, CA 91761</p>	<p>Yellow Bowling Ball Bag</p>	<p>SKU No. 400004797980            ID No. 102432182</p>
<p style="text-align: center;"><b>Benetton USA Corporation dba United Colors of Benetton</b>            601 5th Ave            4th Floor            New York, NY 10017</p>	<p>United Colors of Benetton Yellow Bag</p>	<p>Receipt ID: 9P6QC5D1A87            SKU No.: 8-032592-401011            Item ID: 6QC5D1A87 BEN</p>
<p style="text-align: center;"><b>Bloomingdale's, Inc.</b>            1000 3rd Avenue            New York, NY 10022</p> <p style="text-align: center;"><b>Hobo International, Inc.</b>            1007 Kitchener Cir.            San Jose, CA 95121</p> <p style="text-align: center;"><b>Ray Enterprises Of Chesapeake Walk, Inc.</b>  <b>dba Hobo International</b>            3436 Chesapeake Walk            Annapolis, MD 21403</p>	<p>Hobo International Wallet</p>	<p>SKU No. 6-04599-08401-6</p>
<p style="text-align: center;"><b>Charming Shoppes, Inc.</b>            450 Winks Lane            Bensalem, PA 19020</p> <p style="text-align: center;"><b>Lane Bryant, Inc.</b>            3344 Morse Crossing            Columbus, OH 43219</p>	<p>Yellow Handbag</p>	<p>SKU No. 94328905</p>

<p><b>Distex, Inc.</b> 4012 Cote-Vertu St. Laurent, Quebec H4T 1V4 Canada</p> <p><b>Mango NY, Inc.</b> 529 Fifth Avenue New York, NY 10017</p>	<p>Chartreuse MNG Bag</p>	<p>SKU No. 8-427907-454408 ID No. 84601046</p>
<p><b>Nakajima USA, Inc.</b> 6053 W. Century Blvd Los Angeles, CA 90045</p> <p><b>Sanrio, Inc.</b> 570 Eccles Ave South San Francisco, CA 94080</p>	<p>Hello Kitty Gold Wallet</p>	<p>SKU No. 4-901610-198353 Item ID No. 19835-8</p>
<p><b>Tumi, Inc.</b> 1001 Durham Ave South Plainfield, NJ 07080</p> <p><b>Tumi Stores, Inc.</b> 1001 Durham Avenue South Plainfield, NJ 07080</p>	<p>Cosmo Roll Cylindrical Purse</p>	<p>SKU No. 7-42315-80642-6 Retail ID 041313TG Item No. 7759</p>

**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, and I represent the noticing party, the Center for Environmental Health.

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.

May 15, 2009



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Howard Hirsch  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**PROOF OF SERVICE BY MAIL**

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause.

On May 15, 2009, 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).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

***Please see attached service list.***

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 15, 2009, at San Francisco, California.

Signed: \_\_\_\_\_  
Ellen Reed

## SERVICE LIST

District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Napa County 931 Parkway Mall Napa, CA 94559
District Attorney of Colusa County 547 Market Street Colusa, CA 95932	District Attorney of Imperial County 939 Main Street El Centro, CA 92243	District Attorney of Merced County 2222 "M" Street Merced, CA 95340
District Attorney of Contra Costa County 627 Ferry Street Martinez, CA 94553	District Attorney of Lassen County 220 S. Lassen St., Ste 8 Susanville, CA 96130	District Attorney of Nevada County 201 Church St., Suite 8 Nevada City, CA 95959
District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Inyo County P.O. Drawer D Independence, CA 93526	District Attorney of Orange County 401 Civic Ctr Drive West Santa Ana, CA 92701
District Attorney of Del Norte County 450 H Street, Ste 171 Crescent City, CA 95531	District Attorney of Los Angeles County 210 W. Temple Street, Room 345 Los Angeles, CA 90012	District Attorney of Modoc County 204 S Court Street Alturas, CA 96101-4020
District Attorney of Amador County 708 Court Street, #202 Jackson, CA 95642	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of Placer County 10810 Justice Center Drive Suite 240 Roseville, CA 95678
District Attorney of Butte County 25 County Center Drive Oroville, CA 95965	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415
District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Marin County 3501 Civic Center Dr., Room 130 San Rafael, CA 94903	District Attorney of Plumas County 520 Main Street, Room 404 Quincy, CA 95971
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93517	District Attorney of San Diego County 330 West Broadway, Suite 1320 San Diego, CA 92101
District Attorney of Fresno County 2220 Tulare Street, #1000 Fresno, CA 93721	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338	District Attorney of Riverside County 4075 Main Street Riverside, CA 92501
District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Monterey County 230 Church Street, Bldg. 2 Salinas, CA 93901	District Attorney of San Francisco County 850 Bryant Street, Rm 325 San Francisco, CA 94103
District Attorney of Kings County 1400 West Lacey Hanford, CA 93230	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482	
District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453		

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

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District Attorney of San Luis Obispo  
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San Luis Obispo, CA 93408

District Attorney of San Benito  
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419 Fourth Street, 2<sup>nd</sup> Floor  
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District Attorney of San Mateo  
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400 County Ctr, 3<sup>rd</sup> Fl  
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Downieville, CA 95936

District Attorney of Santa Barbara  
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1105 Santa Barbara Street  
Santa Barbara, CA 93101

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P.O. Box 986  
Yreka, CA 96097

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District Attorney of Sonoma County  
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District Attorney of Yuba County  
215 Fifth Street  
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Los Angeles, CA 90012

San Diego City Attorney's Office  
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San Diego, CA 92101

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City Hall, Room 234  
San Francisco, CA 94102

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