

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses, Clutches and Totes Made With Leather, Vinyl or Imitation Leather Materials

September 22, 2009

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- 1. 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).
- 2. 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:

- 1. Violators: The names and addresses of the violators are listed on the attached Exhibit 1.
- 2. Time Period of Exposure: The violations have been occurring since at least September 22, 2006, and are continuing to this day.
- 3. 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.
- 4. 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.
- 5. Types of Product: The specific types of product causing this violation are wallets, handbags, purses, clutches and totes made with leather, vinyl or imitation leather materials. The leather, vinyl or imitation leather materials in these products contain Lead. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- 6. 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 products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dyes, paints and other coloring agents used in the products and in the chemicals used in the leather tanning process. 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.

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 agrees in a binding written instrument 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 Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1
September 22, 2009 Notice of Violation
Lead in Wallets, Handbags, Purses, Clutches, and Totes
Non-Exclusive Examples of the Products

Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
American Accessories, Inc. 3100 Bandini Blvd. Los Angeles, CA 90023	Princess Accessories Tote Handbag – Yellow	Item No. 04015000
Amici Accessories, Ltd. 39 W. 37th Street 2nd Floor New York, NY 10018	Paisley Handbag in Yellow and Grey	Item No. CL-589
Amity/Rolfs, Inc. 690 E. Lamar Blvd. Suite 200 Arlington, TX 76011 Tandy Brands Accessories, Inc. 690 E. Lamar Blvd. Suite 200 Arlington, TX 76011 Tandy Brands Handbags Accessories, Inc. 690 E. Lamar Blvd. Suite 200 Arlington, TX 76011	Rolfs Luster Slim Wallet – Yellow	SKU No. 0-46891-40744-3 Item No. 049-4152-700
Baekgaard Limited of Indiana 3010 Butler Ridge Parkway Fort Wayne, IN 46808	Shoulder Handbag – Lemon & Carribean Blue	SKU No. 8-44798-00160-9

<p>BP Clothing LLC 8700 Rex Road Pico Rivera, CA 90660</p> <p>BP Clothing Holdings LLC 8700 Rex Road Pico Rivera, CA 90660</p> <p>Phat Fashions, Inc. 512 Seventh Ave. 43rd Floor New York, NY 10018</p> <p>Phat Fashions LLC 512 Seventh Ave. 43rd Floor New York, NY 10018</p>	<p>Baby Phat Lysette Small Gold Handbag</p>	<p>SKU No. 7-62657-97808-7 Style No. BP5198-GLD-BP</p>
<p>Chenson Industrial Co. Ltd., Inc. 2101 S. Santa Fe Avenue Los Angeles, CA 90058</p> <p>CVS Caremark Corporation 1 CVS Drive Woonsocket, RI 02895</p> <p>CVS Pharmacy, Inc. 1 CVS Drive Woonsocket, RI 02895</p>	<p>Candice Handbag – Yellow</p>	<p>CVS SKU No. 8-55947-01999-4 Style No. LA71998</p>
<p>Comeco, Inc. 4517 Little John St. Baldwin Park, CA 91706</p> <p>Comeco, LLC 4517 Little John St. Baldwin Park, CA 91706</p>	<p>Ashley M Hobo Cadillac Handbag – Yellow</p>	<p>Style No. G87311UB</p>

<p>CVS Caremark Corporation 1 CVS Drive Woonsocket, RI 02895</p> <p>CVS Pharmacy, Inc. 1 CVS Drive Woonsocket, RI 02895</p>	<p>Comely Zebra Print Handbag – Red & Black</p>	<p>CVS SKU No. 8-55947-03999-2 Item No. H1121-9Z</p>
	<p>Innovation Handbag – Green</p>	<p>CVS SKU No. 8-55947-03299-3 Item No. H1141</p>
	<p>Handbag – Red</p>	<p>CVS SKU No. 8-55947-02999-3 Item No. 8017 RED</p>
<p>The Dress Barn, Inc. 30 Dunnigan Drive Suffern, NY 10901</p>	<p>Drawstring Handbag – Olive</p>	<p>SKU No. 063417090011</p>
<p>Ecko Direct, LLC 40 West 23rd Street 6th Floor New York, NY 10010</p> <p>Marc Ecko Enterprises Accessories, LLC c/o Corporate Creations Network Inc. 15 North Mill Street Nyack, NY 10960</p>	<p>Red by Marc Ecko Pleated Pleasure Hobo Handbag – Gold</p>	<p>SKU No. 8-82640-06851-6 Style No. H0800113RED Item No. 3326999</p>
<p>Element Skateboards, Inc. 117 Waterworks Way Suite 100 Irvine, CA 92618</p>	<p>Element Eden Bronx Tale Handbag – Yellow</p>	<p>SKU No. 8-21301-19628-1 Item No. JAPUFBRO-MGL</p>
<p>Elite Spiders, LLC 10 West 33rd Street Suite 416 New York, NY 10001</p> <p>Straw Studios LLC 9 Chris Court, Suite A Dayton, NJ 08810-1538</p>	<p>Madison Cristin Tall Tote – Yellow</p>	<p>Item No. MH84192B</p>

<p>Fashion Bug of California, Inc. 3750 State Road Bensalem, PA 19020</p> <p>Fashion Bug Retail Companies, Inc. 3750 State Road Bensalem, PA 19020</p>	<p>Elements by Fashion Bug Handbag in Giraffe Print with Yellow</p>	<p>Item No. K3-4074654</p>
<p>Furmir, LLC 137 Bristol Court Lakewood, NJ 08701</p>	<p>J. Furmani Studded Handbag – Yellow</p>	<p>Item No. OT-108, A2, YELLOW</p>
<p>HSN, Inc. 1 HSN Drive St Petersburg, FL 33729</p> <p>Sharif Designs, Ltd. 34-12 36th Avenue Long Island City, NY 11106</p> <p>Sharif Vision, Inc. 230 Park Avenue Suite 625 New York, NY 10169</p>	<p>Sharif Flower Hobo Handbag with Chain – Mustard</p>	<p>HSN Item No. 420525</p>
<p>Island Imports Inc. 5F West Cross Street Hawthorne, NY 10532</p>	<p>Christian Livingston Collection Handbag – Yellow</p>	<p>Yellow handbag in snake print with metal chain detailing</p>
<p>Kemistre 8, LLC 31 West 34th Street Suite 401 New York, NY 10001</p>	<p>Akademiks Beehive Tote – Yellow & White</p>	<p>SKU No. 0-47417-93078-0 Style No. 93078</p>
<p>Limited Stores, LLC 3 Limited Parkway Columbus, OH 43230</p>	<p>Handbag – Yellow</p>	<p>Item No. 12032820</p>

<p>Maxx Accessories, Inc. 200 Robbins Lane Suite F Jericho, NY 11753</p>	<p>Maxx New York Opium Pleated Shoulder Handbag – Marigold</p>	<p>SKU No. 6-45689-20719-9 Item No. OP 576 MARIGOLD</p>
<p>Merchandise Services Online, Inc. 5482 Wilshire Blvd Suite 131 Los Angeles, CA 90036</p>	<p>Vitalio Vera Mustard Yellow Oversized “Claudette” Handbag</p>	<p>Item No. X0000SKGDJ</p>
<p>Necessary Objects, Ltd. 30-00 47th Ave. Suite F601 Long Island City, NY 11101</p>	<p>Priya Foldover Handbag with Strap – Mustard</p>	<p>SKU No. 0-77979-86331-8 Item No. HB0109/152</p>
<p>Payless ShoeSource, Inc. 3231 SE 6th Avenue Topeka, KS 66607</p>	<p>Minicci Handbag – Green</p>	<p>SKU No. 069131-0833</p>
<p>Perlina Handbags, Inc. 67 34th Street Brooklyn, NY 11232</p>	<p>Deco Folded Clutch – Yellow</p>	<p>SKU No. 7-09752-15169-4 Item No. 80259-YLW</p>
<p>Roc Apparel Group LLC 1411 Broadway 38th Floor New York, NY 10018</p>	<p>RocaWear Carry Me Quilted Tote Handbag – Yellow</p>	<p>SKU No. 8-41590-10939-7 Style No. RB4350</p>

<p>Urban Outfitters, Inc. 5000 S. Broad Street Philadelphia, PA 19112</p> <p>Urban Outfitters West, LLC 1809 Walnut Street Philadelphia, PA 19103</p>	<p>Mini Crossbody Turnlock Purse – Brown</p>	<p>Style No. S 16960098 Item No. CP2157 82 82</p>
<p>The Wet Seal, Inc. 26972 Burbank Foothill Ranch, CA 92610</p> <p>The Wet Seal Retail Inc. 26972 Burbank Foothill Ranch, CA 92610</p>	<p>Arden B Green Wood Brooch Foldover Clutch</p>	<p>SKU No. 410652200008 Style No. 41065204</p>
	<p>Metallic Snake Hinge Wallet – Yellow</p>	<p>SKU No. 407268700008 Style No. 40726779</p>
<p>Y & S Handbags, Inc. 3351-3 Tremley Point Rd. Linden, NJ 07036</p>	<p>Prezzo Handbag – White & Yellow</p>	<p>Style No. 3180 Yellow</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.

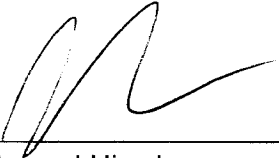
2. I am an attorney with the Lexington Law Group, and I represent the noticing party the Center for Environmental Health ("CEH").

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.

September 22, 2009



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 September 22, 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 September 22, 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 Imperial County 939 Main Street, Ste. 102 El Centro, CA 92243	District Attorney of Modoc County 204 S Court Street, Rm. 202 Alturas, CA 96101-4020
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 Mono County P.O. Box 617 Bridgeport, CA 93546
District Attorney of Amador County 708 Court Street, Ste. 202 Jackson, CA 95642	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Monterey County 230 Church Street, Bldg. 2 Salinas, CA 93901
District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965	District Attorney of Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney of Napa County 931 Parkway Mall Napa, CA 94559
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Nevada County 201 Church Street, Ste. 8 Nevada City, CA 95959
District Attorney of Colusa County 547 Market Street, Ste. 102 Colusa, CA 95932	District Attorney of Lassen County 220 S. Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney of Orange County 401 Civic Ctr Drive West Santa Ana, CA 92701
District Attorney of Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney of Los Angeles County 210 W. Temple Street, Ste. 1800 Los Angeles, CA 90012-3210	District Attorney of Placer County 10810 Justice Ctr Drive, Ste. 240 Roseville, CA 95678
District Attorney of Del Norte County 450 H Street, Ste. 171 Crescent City, CA 95531	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of Plumas County 520 Main Street, Room 404 Quincy, CA 95971
District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Marin County 3501 Civic Center Drive, Rm. 130 San Rafael, CA 94903	District Attorney of Riverside County 4075 Main Street Riverside, CA 92501
District Attorney of Fresno County 2220 Tulare Street, Ste. 1000 Fresno, CA 93721	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338	District Attorney of Sacramento County 901 "G" Street Sacramento, CA 95814
District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482	District Attorney of San Benito County 419 Fourth Street, 2 nd Fl. Hollister, CA 95023
District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Merced County 2222 "M" Street Merced, CA 95340	

District Attorney of San Bernardino County 318 N. Mountain View Avenue San Bernardino, CA 92415	District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901
District Attorney of San Diego County 330 West Broadway, Ste. 1300 San Diego, CA 92101	District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Room 800 Los Angeles, CA 90012
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District Attorney of San Mateo County 400 County Ctr, 3 rd Fl. Redwood City, CA 94063	District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	California Attorney General's Office Attention: Proposition 65 Coordinator 1515 Clay Street, Suite 2000 P.o. Box 70550 Oakland, ca 94612-0550
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