

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

October 14, 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:

- Violators: 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 October 14, 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 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.
- 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
October 14, 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
<p>Adidas America, Inc. 5055 N. Greeley Avenue Portland, OR 97217</p> <p>Adidas Promotional Retail Operations, Inc. 5055 N. Greeley Avenue Portland, OR 97217</p>	<p>Adidas Adicolor Holdal Handbag - Scarlet</p>	<p>SKU No. 8-84891-15074-3 Item No. E44000</p>
<p>A-List, Inc. 115 S. Robertson Blvd. Los Angeles, CA 90048</p>	<p>Kitson LA Authentic Sequin Tote Handbag</p>	<p>Item No. 232334 Product ID No. 003560 PURPLE</p>
<p>American Procurement Co., Inc. 400 Forbes Blvd., Suite 2 So. San Francisco, CA 94080</p>	<p>Amerileather Helena Handbag</p>	<p>Item No. 1866-0168</p>
<p>Audigier Brand Management Group, LLC 600 S. Muirfield Rd. Los Angeles, CA 90005</p> <p>Christian Audigier, Inc. 8680 Hayden Place Cuiver City, CA 90232</p> <p>Hardy Life, LLC 849 S. Broadway Suite 1102 Los Angeles, CA 90014</p>	<p>Ed Hardy City Slicker Setty 7829 Melrose Handbag</p>	<p>SKU No. 8-44179-01092-3 Item No. SLSET3302</p>
<p>Axcess Inc. 10440 Pioneer Blvd., #4 Santa Fe Springs, CA 90670</p>	<p>Bliss Purse</p>	<p>SKU No. 004400032033</p>

<p>California Onax 1071 41st Avenue Santa Cruz, CA 95062</p>	<p>O'Neill Hot Gossip Shoulder Handbag - Deep Lake</p>	<p>SKU No. 6-59811-21564-8 Item No. 39495112</p>
<p>Calvin Klein, Inc. 200 Madison Ave. New York, NY 10016</p>	<p>Liquid Leather Woven Wristlet Clutch - Tangerine</p>	<p>SKU No. 0-93177-08310-5 Item No. CHLLN0001 TGA</p>
<p>Diesel U.S.A., Inc. 220 W. 19th Street New York, NY 10011</p>	<p>"Look ... The Lock" Philia Handbag - Green</p>	<p>SKU No. 8-033417-853572</p>
<p>Everest Trading Corporation 655 S. Santa Fe Avenue Los Angeles, CA 90021</p>	<p>Everest Camouflage Tote</p>	<p>SKU No. 7-42065-10271-7</p>
<p>Fashion Shoe Licensing LLC 3333 New Hyde Park Road New Hyde Park, NY 11042</p> <p>Loehmann's, Inc. 2500 Halsey St. Bronx, NY 10461</p>	<p>Franco Sarto Palm Springs Croco Hobo Handbag - Canary</p>	<p>SKU No. 8-26894-07754-2 Style No. F3915F CAN</p>
<p>Foreign Exchange, Inc. 3200 Wilshire Blvd. Suite 1234 Los Angeles, CA 90010</p> <p>Mias Fashion Manufacturing Company, Inc. 12623 Cisneros Lane Santa Fe Springs, CA 90670</p>	<p>Lazer Cut Frt Handbag - Mustard</p>	<p>SKU No. 17123 Item No. 3284</p>
	<p>Foreign Exchange Handbag - Red</p>	<p>SKU No. 18157 Item No. HF-8236</p>

<p>Global Brand Holdings, LLC c/o Aurora Capital Associates, LLC 1407 Broadway, 41st Floor New York, NY 10018</p> <p>Kellwood Company 600 Kellwood Parkway Chesterfield, MO 63017</p> <p>Kellwood Retail Group, Inc. 600 Kellwood Parkway Chesterfield, MO 63017</p> <p>XOXO, Corp. 5526 Fulton Avenue Sherman Oaks, CA 91401</p>	<p>XOXO Women's Hobo-Style Handbag - Red</p>	<p>SKU No. 047417-52489-7 Style No. 52489</p>
<p>J. Dew Collection, Inc. 123 S. Figueroa St., #943 Los Angeles, CA 90012</p>	<p>J. Dew Collection Clutch</p>	<p>SKU No. 5746 Item No. eve0660900</p>
<p>Kate Spade LLC 48 W. 25th Street Floor 7 New York, NY 10010</p>	<p>Kate Spade Mikkell Handbag - Dijon</p>	<p>SKU No. 0-98687-55785-6 Item No. PXRU1233</p>
<p>Long Rap Inc. 1420 Wisconsin Ave., NW Washington, DC 20007</p>	<p>Missco Girl Polka Dot Finger Hole Clutch - Red</p>	<p>SKU No. 2799870101 Item No. 014425-RED</p>
<p>Marc Jacobs International, L.L.C. 72 Spring Street 2nd Floor New York, NY 10012</p>	<p>Marc by Marc Jacobs Cherry Patent Leather Handbag</p>	<p>SKU No. 8-83936-12763-4 Style No. M383008</p>
<p>Mode Plus 282 Fox Hills Mall, #E-10 Culver City, CA 90230</p>	<p>Mode Plus Handbag</p>	<p>SKU No. NEO 0206 5 Style No. 9010# YELLOW</p>

<p>Robert Talbott, Inc. P.O. Box 996 Carmel Valley, CA 93924</p>	<p>Audrey Talbott Handbag</p>	<p>SKU No. 883640204843</p>
<p>Silhouette LLC 100 S. Doheny Drive Suite 1106 Los Angeles, CA 90048</p> <p>Silhouette Clothing, Inc. 13055 Rosecrans Avenue Santa Fe Springs, CA 90670</p>	<p>Handbag Fendy</p>	<p>Item No. 9698666661</p>
<p>South Cone, Inc. 5935 Darwin Ct. Carlsbad, CA 92008</p> <p>VF Outdoor, Inc. 2013 Farallon Drive San Leandro, CA 94577</p> <p>V.F. Corporation 105 Corporate Center Blvd. Greensboro, NC 27408</p>	<p>Reef Beachster Tote Handbag - Teal</p>	<p>SKU No. 7-66182-65139-2</p>
<p>Ted Baker Limited 1250 E. Hallandale Beach Blvd., Suite 1007 Hallandale Beach, FL 33009</p> <p>Ted Baker New York, Inc. 107 Grand Street New York, NY 10013-5933</p>	<p>Flat Enamel Bobble Small Purse - Dark Red</p>	<p>SKU No. 5-051672-904887 Item No. XA9W/XL29/SONITA</p>
<p>Vans, Inc. 105 Corporate Center Blvd. Greensboro, NC 27408</p> <p>VF Outdoor, Inc. 2013 Farallon Drive San Leandro, CA 94577</p> <p>V.F. Corporation 105 Corporate Center Blvd. Greensboro, NC 27408</p>	<p>Vans Chic Skulls Purse</p>	<p>SKU No. 6-17931-67247-5 Item No. VN-01090B5 Style No. 0189</p>

<p>Volcom, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627</p> <p>Volcom Retail, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627</p>	<p>The Crossover Handbag - Lemon</p>	<p>SKU No. 6-89640-89469-1 Item No. E652920</p>
<p>Westport Corporation 183 Madison Avenue 3rd Floor New York, NY 10016</p>	<p>Necessary Objects Priya Foldover Handbag with Strap – Mustard</p>	<p>SKU No. 0-77979-86331-8 Item No. HB0109/152</p>
<p>Wilsons Leather Direct, Inc. 7401 Boone Ave. N Brooklyn Park, MN 55428</p> <p>Wilsons Leather Holdings Inc. 7401 Boone Ave. N Brooklyn Park, MN 55428</p>	<p>Clutch</p>	<p>SKU No. 4-00630-69314-4 Item No. 437522-20-80</p>
<p>Worldwide Dreams LLC 350 Fifth Avenue Suite 2101 New York, NY 10118</p>	<p>Studio Tote</p>	<p>SKU No. 0-51059-66799-7 Style No. P98133RA</p>
<p>Worldwide Dynasty, Inc. 20630 Superior St Chatsworth, CA 91311</p>	<p>Giraffe Print Handbag - Green</p>	<p>Iced Out Gear Item No. BG36</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.

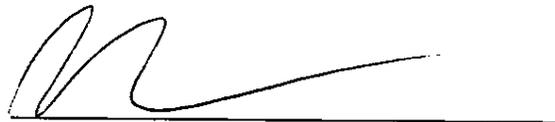
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

October 14, 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 October 14, 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 October 14, 2009, at San Francisco, California.

Signed: 
Ellen Reed

SERVICE LIST

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District Attorney of Colusa County
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Colusa, CA 95932

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San Diego, CA 92101

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

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200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
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