

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 30, 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 30, 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. 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 30, 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>Amazon.com, Inc. 1200 12th Ave. South Suite 1200 Seattle, WA 98144</p>	<p>Akademiks Beehive Tote - Yellow & White</p>	<p>SKU No. 0-47417-93078-0 Style No. 93078</p>
<p>bebe Stores, Inc. 400 Valley Drive Brisbane, CA 94005</p>	<p>2B Distressed Tote - Tan</p>	<p>SKU No. 13822002800001</p>
<p>Billabong Retail, Inc. 117 Waterworks Way Suite 100 Irvine, CA 92618</p> <p>Billabong USA Holdings PTY Ltd. 117 Waterworks Way Irvine, CA 92618</p> <p>Billabong USA Investments PTY Ltd. 117 Waterworks Way Irvine, CA 92618</p> <p>Burleigh Point, Ltd. 117 Waterworks Way Suite 100 Irvine, CA 92618</p>	<p>Billabong W Poise-MW Handbag - Green</p>	<p>SKU No. 8-83968-67992-7</p>
<p>C. & J. Clark America, Inc. 520 South Broad Street Kennett Square, PA 19348</p> <p>C. & J. Clark Retail, Inc. 620 South Union Street Kennett Square, PA 19348</p>	<p>Clarks Glazed Tote - Red</p>	<p>SKU No. 678819000000 Item No. RED-600 Vendor Style No. W7881U</p>

<p>Eastbay, Inc. 111 South First Ave. Wausau, WI 54401</p> <p>Foot Locker, Inc. 112 West 34th St. New York, NY 10120</p>	<p>Billabong W Poise-MW Handbag - Green</p>	<p>SKU No. 8-83968-67992-7</p>
<p>eBags, Inc. 5500 Greenwood Plaza Blvd. Suite 160 Greenwood Village, CO 80111</p>	<p>Ashley M Hobo Cadillac Handbag - Yellow</p>	<p>SKU No. 7-89829-05836-1 Style No. PAS669-SBIC-GEN</p> <p>Style No. G87311UB</p>
<p>eFashion Solutions, LLC 80 Enterprise Ave. South Secaucus, NJ 07094</p>	<p>RocaWear Carry Me Quilted Tote - Yellow</p>	<p>SKU No. 8-41590-10939-7 Style No. RB4350</p>
<p>Iconix Brand Group, Inc. 1450 Broadway 4th Floor New York, NY 10018</p> <p>Overstock.com, Inc. 6350 South 3000 East Salt Lake City, UT 84121</p>	<p>London Fog Jordon Handbag</p>	<p>SKU No. 6-05398-90080-4 Style No. LF1155 Overstock.com Catalog No. 12062825</p>
<p>Luci Handbags, Inc. 22636 Ocean Ave. Suite 27 Torrance, CA 90505</p>	<p>Foreign Exchange Lazer Cut Frt Handbag - Mustard</p>	<p>SKU No. 17123 Item No. 3284</p>
<p>rue21, Inc. 800 Commonwealth Dr. Suite 100 Warrendale, PA 15086</p>	<p>Chevron Stripe Tote Handbag</p>	<p>SKU No. 4-00114-90687-6 Style No. 0352</p>
<p>Run Athletics International, LLC 29 West 56th Street New York, NY 10019</p>	<p>Pastry Glam Ice Handbag - Strawberry</p>	<p>SKU No. 7-89829-05836-1 Style No. PAS669-SBIC-GEN</p>

<p>Signature Styles, LLC 711 Third Avenue 4th Floor New York, NY 10017</p> <p>Spiegel Catalog Holdings Corporation 711 Third Avenue 4th Floor New York, NY 10017</p>	<p>Framed Patent Handbag - Scarlet</p>	<p>SKU No. 1439146002 Item No. 2AI 45750</p>
<p>Zappos.com, Inc. 2280 Corporate Circle Suite 100 Henderson, NV 89074</p>	<p>Calvin Klein Liquid Leather Woven Wristlet Clutch - Tangerine</p>	<p>SKU No. 0-93177-08310-5 Item No. CHLLN0001 TGA</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 30, 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 30, 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 30, 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 Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Contra Costa
County
900 Ward Street
Martinez, CA 94553

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

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

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

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

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

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

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

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Monterey
County
230 Church Street, Bldg. 2
Salinas, CA 93901

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

District Attorney of Nevada
County
201 Church Street, Ste. 8
Nevada City, CA 95959

District Attorney of Orange
County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Ctr Drive, Ste. 240
Roseville, CA 95678

District Attorney of Plumas
County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of Riverside
County
4075 Main Street
Riverside, CA 92501

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

District Attorney of San Benito
County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

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

District Attorney of San Joaquin County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis Obispo County
1050 Monterey Street, Room 450
San Luis Obispo, CA 93408

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

District Attorney of Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Shasta County
1525 Court Street, 3rd Fl.
Redding, CA 96001-1632

District Attorney of Sierra County
Courthouse
100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

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

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Sonoma County
600 Administration Drive, Rm.
212J
Santa Rosa, CA 95403

District Attorney of Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

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

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

District Attorney of Tuolumne County
423 North Washington Street
Sonora, CA 95370

District Attorney of Ventura County
800 South Victoria Avenue
Ventura, CA 93009

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

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

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Room 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste. 1620
San Diego, CA 92101

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

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

Jeffrey P. Bezos, CEO *
Amazon.com, Inc.
1200 12th Ave. South
Suite 1200
Seattle, WA 98144

Manny Mashouf, CEO *
bebe Stores, Inc.
400 Valley Drive
Brisbane, CA 94005

President *
Billabong Retail, Inc.
117 Waterworks Way
Suite 100
Irvine, CA 92618

President *
Billabong Retail, Inc.
19800 MacArthur Blvd.
Suite 1100
Irvine, CA 92612

President *
Billabong USA Holdings PTY Ltd.
117 Waterworks Way
Irvine, CA 92618

President *
Billabong USA Holdings PTY Ltd.
19800 MacArthur Blvd.
Suite 1100
Irvine, CA 92612

President *
Billabong USA
Investments PTY Ltd.
117 Waterworks Way
Irvine, CA 92618

President *
Billabong USA
Investments PTY Ltd.
19800 MacArthur Blvd.
Suite 1100
Irvine, CA 92612

Paul Naude, President *
Burleigh Point, Ltd.
117 Waterworks Way
Suite 100
Irvine, CA 92618

Paul Naude, President *
Burleigh Point, Ltd.
19800 MacArthur Blvd.
Suite 1100
Irvine, CA 92612

Dowe Tillema, CEO *
Eastbay, Inc.
111 South First Ave.
Wausau, WI 54401

Vince Jones, CEO *
eBags, Inc.
5500 Greenwood Plaza Blvd.
Suite 160
Greenwood Village, CO 80111

Vince Jones, CEO *
eBags, Inc.
6060 Greenwood Plaza Blvd.
Suite 110
Greenwood Village, CO 80111

President *
eFashion Solutions, LLC
80 Enterprise Ave. South
Secaucus, NJ 07094

Matthew D. Serra, CEO *
Foot Locker, Inc.
112 West 34th St.
New York, NY 10120

Neil Cole, CEO *
Iconix Brand Group, Inc.
1450 Broadway
New York, NY 10018

Charles Jin, President *
Luci Handbags, Inc.
22636 Ocean Ave.
Suite 27
Torrance, CA 90505

Patrick M. Byrne, CEO*
Overstock.com, Inc.
6350 South 3000 East
Salt Lake City, UT 84121

Robert Fisch, President *
rue21, Inc.
800 Commonwealth Dr.
Suite 100
Warrendale, PA 15086

President *
Run Athletics International, LLC
29 West 56th St.
New York, NY 10019

President *
Run Athletics International, LLC
c/o Kane Kessler, P.C.
Attn: Ronald L. Nurnberg
1350 Avenue of the Americas
New York, NY 10019

President *
Signature Styles, LLC
711 Third Avenue
4th Floor
New York, NY 10017

President *
Signature Styles, LLC
c/o Corporation Service Company
80 State Street
Albany, NY 12207

Geralynn Madonna, CEO *
Spiegel Catalog
Holdings Corporation
711 Third Avenue
4th Floor
New York, NY 10017

Anthony C. Hsieh, CEO *
Zappos.com, Inc.
2280 Corporate Circle
Suite 100
Henderson, NV 89074