

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Cadmium in Jewelry

February 2, 2010

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, California, (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 February 2, 2007, and are ongoing.
- 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.
- Chemicals Involved: The names of the listed chemicals involved in these violations are cadmium and cadmium compounds ("Cadmium"). Exposures to Cadmium occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is jewelry. Non-exclusive examples of this specific type of product are attached hereto as Exhibit 1.
- Description of Exposure: Use of the products identified in this Notice result in human exposures to Cadmium. The jewelry is made of materials and components that contain Cadmium. For example, the metallic components such as beads, pendants, clasps, posts and other parts of the jewelry contain Cadmium. The route of exposure for the violation is ingestion via hand-to-mouth contact after consumers touch or handle the products; direct ingestion when consumers place the products in their mouths; and dermal absorption directly through the skin when consumers touch, handle or wear the products. These exposures occur in homes, workplaces and everywhere else throughout California where these products are worn, handled or used. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Cadmium.

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 alleged violator enters into a binding written agreement to remedy the violations alleged herein by: (1)

recalling products already sold; (2) reformulating such products to eliminate the cadmium exposure or taking appropriate measures to otherwise comply with Proposition 65; and (3) paying 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 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 through its counsel Eric S. Somers at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111, esomers at lexlawgroup.com.

EXHIBIT 1
February 2, 2010 Notice of Violation
Cadmium in Jewelry
Non-Exclusive Examples of the Products

Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Aeropostale, Inc. 112 West 34th St. 22nd Floor New York, NY 10120</p> <p>Aeropostale West, Inc. 112 West 34th St. 22nd Floor New York, NY 10120</p>	<p>Chain Necklace with Aeropostale Pendant</p>	<p>SKU No. 98231871 Style No. 9211</p>
<p>Cara Accessories Ltd. 20 West 37th Street New York, NY 10018</p>	<p>Cara Accessories Chain Link Necklace</p>	<p>SKU No. 6-10999-77615-4</p>
<p>Catherines, Inc. 450 Winks Lane Bensalem, PA 19020</p> <p>Catherines of California, Inc. 3750 State Road BSC Tax Dept. Bensalem, PA 19020</p> <p>Catherines Stores Corporation 3750 State Road Bensalem, PA 19020</p> <p>Charming Shoppes, Inc. 450 Winks Lane Bensalem, PA 19020</p>	<p>Bracelet with Breast Cancer Ribbon Charms</p>	<p>SKU No. K541274780156</p>

<p>Saks & Company 12 East 49th St. New York, NY,10017</p> <p>Saks Incorporated 12 East 49th St. New York, NY 10017</p>	<p>Cara Accessories Chain Link Necklace</p>	<p>SKU No. 6-10999-77615-4</p>
<p>Tween Brands, Inc. 8323 Walton Parkway New Albany, OH 43054</p>	<p>Justice Necklace with Cupcake Charm - Silver</p>	<p>SKU No. 78063765</p>

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Eric. S. Somers, 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.

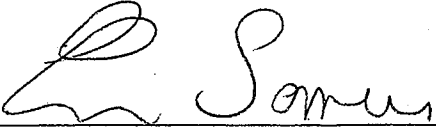
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

February 2, 2010



Eric S. Somers
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 February 2, 2010, 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 February 2, 2010, at San Francisco, California.

Signed: _____
Jade Nicholson

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
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District Attorney of Kings County
1400 West Lacey Blvd.
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255 N. Forbes Street
Lakeport, CA 95453

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220 S. Lassen Street, Ste. 8
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District Attorney of Los Angeles
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District Attorney of Madera County
209 West Yosemite Avenue
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3501 Civic Center Drive, Rm. 130
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P.O. Box 730
Mariposa, CA 95338

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

District Attorney of San
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San Luis Obispo, CA 93408

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Redwood City, CA 94063

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

District Attorney of Santa Clara
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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
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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
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832 12th Street, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
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Yuba City, CA 95991

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P.O. Box 519
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District Attorney of Trinity County
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11 Court Street
Weaverville, CA 96093

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

District Attorney of Tuolumne
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District Attorney of Ventura County
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Ventura, CA 93009

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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

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