

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

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

March 9, 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, 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 March 9, 2007, 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, and clutches 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](mailto:lexlawgroup.com)) or Howard Hirsch (hhirsch at [lexlawgroup.com](mailto:lexlawgroup.com)) at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1**  
**March 9, 2010 Notice of Violation**  
**Lead in Wallets, Handbags, Purses, and Clutches**  
**Non-Exclusive Examples of the Products**

<b>Responsible Party</b>	<b>Non-Exclusive Examples of the Products</b>	<b>Item or SKU # or Further Description</b>
<p style="text-align: center;"><b>The Betesh Group Holding Corporation</b>            1 East 33<sup>rd</sup> St.            New York, NY 10016</p>	<p style="text-align: center;">Baby Phat            Lysette Small Gold            Handbag</p>	<p style="text-align: center;">SKU No.            7-62657-97808-7            Style No.            BP5198-GLD-BP</p>
	<p style="text-align: center;">Pastry Glam            Ice Handbag            - Strawberry</p>	<p style="text-align: center;">SKU No.            7-89829-05836-1            Style No.            PAS669-SBIC-GEN</p>
<p style="text-align: center;"><b>Trebbianno, LLC</b>            29 West 35<sup>th</sup> Street            New York, NY 10001</p>	<p style="text-align: center;">Tucson Collection            Top Zip Purse - Marigold</p>	<p style="text-align: center;">SKU No.            7-40027-15419-4            Style No. 70341</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.

March 9, 2010



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, March 9, 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 March 9, 2010, at San Francisco, California.

Signed: \_\_\_\_\_  
Jennie Romer

## 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  
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Crescent City, CA 95531

District Attorney of El Dorado County  
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Placerville, CA 95667

District Attorney of Fresno County  
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Eureka, CA 95501

District Attorney of Imperial County  
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District Attorney of Inyo County  
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Independence, CA 93526

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1215 Truxtun Avenue  
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1400 West Lacey Blvd.  
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255 N. Forbes Street  
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District Attorney of Lassen County  
220 S. Lassen Street, Ste. 8  
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District Attorney of Los Angeles  
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210 W. Temple Street, Ste. 1800  
Los Angeles, CA 90012-3210

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209 West Yosemite Avenue  
Madera, CA 93637

District Attorney of Marin County  
3501 Civic Center Drive, Rm. 130  
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Mariposa, CA 95338

District Attorney of Mendocino  
County  
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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  
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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, 2<sup>nd</sup> 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

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

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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, 3<sup>rd</sup> Fl.  
Redding, CA 96001-1632

District Attorney of Sierra County  
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100 Courthouse Sq., 2<sup>nd</sup> Fl.  
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Modesto, CA 95354

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District Attorney of Yolo County  
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Woodland, CA 95695

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215 Fifth Street  
Marysville, CA 95901

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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

Eliot Betesh, President \*  
The Betesh Group Holding Corporation  
1 East 33rd St.  
New York, NY 10016

Tony Cheng, CEO \*  
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