

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

March 16, 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 16, 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, clutches and totes made with leather, vinyl or imitation leather materials.
- 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.

Please direct any inquiries regarding this Notice to CEH through 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
March 16, 2010 Notice of Violation
Lead in Wallets, Handbags, Purses, Clutches and Totes
List of Violators

Bath & Body Works, LLC

7 Limited Pkwy
Reynoldsburg, OH 43068

Bath & Body Works Direct, Inc.

5 Limited Pkwy
Reynoldsburg, OH 43068

Henri Bendel, Inc.

3 Limited Pkwy
Columbus, OH 43230

Jones Apparel Group USA, Inc.

180 Rittenhouse Circle
Bristol, PA 19007

Jones Jeanswear Group, Inc.

180 Rittenhouse Circle
Bristol, PA 19007

Juicy Couture, Inc.

One Claiborne Avenue
North Bergen, NJ 07047

Lucky Brand Dungarees, Inc.

One Claiborne Avenue
North Bergen, NJ 07047

Maurices Incorporated

30 Dunnigan Drive
Suffern, NY 10901

Saks Direct, LLC

12 East 49th Street
New York, NY 10017

SCCA Store Holdings, Inc.

12 East 49th Street
New York, NY 10017

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 16, 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 16, 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 16, 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
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 Sonoma County 600 Administration Drive, Rm. 212J Santa Rosa, CA 95403	San Francisco City Attorney's Office City Hall, Room 234 San Francisco, CA 94102
District Attorney of San Joaquin County P.O. Box 990 Stockton, CA 95202	District Attorney of Stanislaus County 832 12 th Street, Ste. 300 Modesto, CA 95354	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113
District Attorney of San Luis Obispo County 1050 Monterey Street, Room 450 San Luis Obispo, CA 93408	District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	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
District Attorney of San Mateo County 400 County Ctr, 3 rd Fl. Redwood City, CA 94063	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	President * Bath & Body Works, LLC 7 Limited Pkwy Reynoldsburg, OH 43068
District Attorney of Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	President * Bath & Body Works Direct, Inc. 5 Limited Pkwy Reynoldsburg, OH 43068
District Attorney of Santa Clara County 70 West Hedding Street, West Wing San Jose, CA 95110	District Attorney of Tulare County 221 S. Mooney Avenue, Room 224 Visalia, CA 93291	Ed Bucciarelli, President * Henri Bendel, Inc. 3 Limited Pkwy Columbus, OH 43230
District Attorney of Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney of Tuolumne County 423 North Washington Street Sonora, CA 95370	President * Jones Apparel Group USA, Inc. 180 Rittenhouse Circle Bristol, PA 19007
District Attorney of Shasta County 1525 Court Street, 3 rd Fl. Redding, CA 96001-1632	District Attorney of Ventura County 800 South Victoria Avenue Ventura, CA 93009	President * Jones Jeanswear Group, Inc. 180 Rittenhouse Circle Bristol, PA 19007
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	District Attorney of Yolo County 301 Second Street Woodland, CA 95695	President * Edgar Huber, President * Juicy Couture, Inc. One Claiborne Avenue North Bergen, NJ 07047
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	President * Lucky Brand Dungarees, Inc. One Claiborne Avenue North Bergen, NJ 07047
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	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	

President *
Maurices Incorporated
c/o Robert L. Falk
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

President *
Saks Direct, LLC
12 East 49th Street
New York, NY 10017

President *
SCCA Store Holdings, Inc.
12 East 49th Street
New York, NY 10017