

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Belts 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.
- Type of Product: The specific type of product causing these violations are belts 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 buckles used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products; and dermal absorption directly through the skin when consumers take on or off, touch or handle 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 Belts Made With Leather, Vinyl or Imitation Leather Materials
List of Violators

Accessory Exchange LLC

1 E. 33rd Street, Floor 6
New York, NY 10016

AE Retail West LLC

77 Hot Metal Street
Pittsburgh, PA 15203

A.I.J.J. Enterprises, Inc.

1000 Pennsylvania Avenue
Brooklyn, NY 11207

Aldo U.S. Inc.

2300 Emile-Belanger
Saint-Laurent, Quebec
H4R 3J4
Canada

Aldo Group, Inc.

2300 Emile-Belanger
Saint-Laurent, Quebec
H4R 3J4
Canada

American Eagle Outfitters, Inc.

77 Hot Metal Street
Pittsburgh, PA 15203

Bath & Body Works, LLC

7 Limited Pkwy
Reynoldsburg, OH 43068

Bath & Body Works Direct, Inc.

5 Limited Pkwy
Reynoldsburg, OH 43068

Coldwater Creek, Inc.

One Coldwater Creek Drive
Sandpoint, ID 83864

Coldwater Creek U.S. Inc.

One Coldwater Creek Drive
Sandpoint, ID 83864

The Dress Barn, Inc.

30 Dunnigan Drive
Suffern, NY 10901

Fossil, Inc.

2280 N. Greenville Ave.
Richardson, TX 75082

Fossil Stores I, Inc.

2280 N. Greenville Ave.
Richardson, TX 75082

Guess?, Inc.

1444 South Alameda Street
Los Angeles, CA 90021

Guess? Retail, Inc.

1444 South Alameda Street
Los Angeles, CA 90021

Henri Bendel, Inc.

3 Limited Pkwy
Columbus, OH 43230

Jones Apparel Group, Inc.

180 Rittenhouse Circle
Bristol, PA 19007

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

Kate Spade LLC

48 W. 25th Street
Floor 7
New York, NY 10010

Kohl's Department Stores, Inc.

N56 W17000 Ridgewood Dr.
Menomonee Falls, WI 53051

Liz Claiborne, Inc.
1441 Broadway
New York, NY 10018

Lucky Brand Dungarees, Inc.
One Claiborne Avenue
North Bergen, NJ 07047

Macy's, Inc.
7 West 7th Street
Cincinnati, OH 45202

Macy's Department Stores, Inc.
7 West 7th Street
Cincinnati, OH 45202

Maurices Incorporated
30 Dunnigan Drive
Suffern, NY 10901

Metropark USA, Inc.
5750 Grace Place
Los Angeles, CA 90022

Michael Kors (USA), Inc.
333 Meadowlands Parkway
4th Floor
Secaucus, NJ 07094

Michael Kors Stores (California), Inc.
333 Meadowlands Parkway
4th Floor
Secaucus, NJ 07094

The New 5-7-9 And Beyond, Inc.
1000 Pennsylvania Avenue
Brooklyn, NY 11207

Phillips-Van Heusen Corporation
200 Madison Ave.
New York, NY 10016

**Rainbow Apparel
Distribution Center Corp.**
1000 Pennsylvania Avenue
Brooklyn, NY 11207

Rainbow USA, Inc.
1000 Pennsylvania Avenue
Brooklyn, NY 11207

Saks Incorporated
12 East 49th Street
New York, NY 10017

Saks & Company
12 East 49th Street
New York, NY 10017

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

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

Victoria's Secret Stores, LLC
4 Limited Parkway
Reynoldsburg, OH 43068

**Victoria's Secret Direct Brand
Management, LLC**
3 Limited Parkway
Columbus, OH 43230

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
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Hanford, CA 93230

District Attorney of Lake County
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Lakeport, CA 95453

District Attorney of Lassen County
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Los Angeles, CA 90012-3210

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204 S Court Street, Rm. 202
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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

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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

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316 N. Mountain View Avenue
San Bernardino, CA 92415

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330 West Broadway, Ste. 1300
San Diego, CA 92101

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

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San Jose, CA 95110

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Santa Cruz, CA 95060

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Redding, CA 96001-1632

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Modesto, CA 95354

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Weaverville, CA 96093

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800 South Victoria Avenue
Ventura, CA 93009

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Woodland, CA 95695

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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
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Oakland, CA 94612-0550

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333 Meadowlands Parkway
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Secaucus, NJ 07094

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President *
SCCA Store Holdings, Inc.
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President *
Victoria's Secret Direct Brand
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3 Limited Parkway
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Lori Greeley, CEO *
Victoria's Secret Stores, LLC
4 Limited Parkway
Reynoldsburg, OH 43068