

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Cadmium in Jewelry

April 21, 2011

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. Charlie Pizarro is the Associate 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 April 21, 2008, 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.
- Chemical Involved: The name of the listed chemical involved in these violations is 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 listed on the attached Exhibit 1.
- Description of Exposure: Use of the products identified in this Notice results 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 routes of exposure for the violations are 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 reproductive hazards of cadmium. CEH has issued eleven other Notices of Violation regarding cadmium in jewelry, and those notices, which may be found on the California Attorney General's web site at <http://proposition65.doj.ca.gov/>, are incorporated herein by reference.

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 the Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111, esomers at lexlawgroup.com.

EXHIBIT 1
April 21, 2011 Notice of Violation
Cadmium in Jewelry
Non-Exclusive Examples of the Products

Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Cousin Corporation of America 12333 Enterprise Blvd. Largo, FL 33773</p>	<p>Flip Flop Charms</p>	<p>SKU No. 0-16321-56670-5 Item No. 6124904</p>
<p>Fad, Inc. 415 New York Avenue Huntington, NY 11743</p>	<p>Body Rage Necklace with Cross Pendant</p>	<p>SKU No. 00745208 Item No. F SLBK CRS 3AST</p>
<p>Sears, Roebuck and Co. 3333 Beverly Road Hoffman Estates 60179</p>	<p>Canyon River Blues Multi-Strand Necklace</p>	<p>SKU No. 7-98031-18440-9 Item No. 22255199</p>
	<p>Apostrophe Necklace with Green and Brown Beads</p>	<p>SKU No. 8-85043-20219-8 Item No. 24996199</p>
<p>Western Fashion, Inc. 5236 Bell Court Chino, CA 91710</p>	<p>Saint Sammy Clear Crystal Cross Necklace</p>	<p>SKU No. 0413000028422</p>
	<p>Saint Sammy Antique Silver & Black Cross Necklace</p>	<p>SKU No. 0413000036496</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.

April 21, 2011


Eric S. Somers
Attorney for the CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC 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 and my electronic notification address is pcarey@lexlawgroup.com.

On April 21, 2011, 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 asterisk).

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.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 1:59 p.m. on April 21, 2011:

Lon Wixson, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
lwixson@contracostada.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
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Birgit Fladager, District Attorney
Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95354
Prop65@standa.org

Stephan R. Passalacqua, District Attorney
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600 Administration Drive, Rm. 212J
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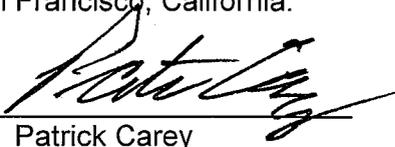
Gregory D. Totten, District Attorney
Ventura County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

Rod Pacheco, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 21, 2011, at San Francisco, California.

Signed: _____


Patrick Carey

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
Oakland, CA 94612

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P.O. Box 248
Markleeville, CA 96120

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708 Court Street, Ste. 202
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Administration Building
25 County Center Drive
Oroville, CA 95965

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

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547 Market Street, Ste. 102
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District Attorney of Del Norte County
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Crescent City, CA 95531

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

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2220 Tulare Street, Ste. 1000
Fresno, CA 93721

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825 5th Street
Eureka, CA 95501

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

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Independence, CA 93526

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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
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210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

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

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District Attorney of Mono County
P.O. Box 617
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Santa Ana, CA 92701

District Attorney of Placer County
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240
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Sacramento, CA 95814

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Hollister, CA 95023

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330 West Broadway, Ste. 1300
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850 Bryant Street, Rm. 325
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1050 Monterey Street, Rm. 450
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446 Second Street
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301 Second Street
Woodland, CA 95695

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215 Fifth Street
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City Hall East
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Los Angeles, CA 90012

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

San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
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, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

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