

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials

May 9, 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, CA 94612, (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 May 9, 2008, 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 is belts made with leather, vinyl or imitation leather materials. Non-exclusive examples of this specific type of product 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 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.

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 are 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 through its counsel Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 759-4111.

EXHIBIT 1
May 9, 2011 Notice of Violation
Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials
Non-Exclusive Examples of the Products

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>American Passion, Inc. 717 Center Drive San Marcos, CA 92069</p>	<p>American Passion Braided Belt in Kelly Green</p>	<p>n/a</p>
<p>The Avenue, Inc. 2751 Centerville Road, Suite 309 Wilmington, DE 19808</p> <p>United Retail Incorporated 463 7th Ave New York, NY 10018</p>	<p>Avenue Ruched Toggle Belt in Red</p>	<p>SKU No. 16089109</p>
<p>Bebe Stores, Inc. 400 Valley Drive Brisbane, CA 94005</p>	<p>Bebe Patent Metal Buckle Belt in Red</p>	<p>SKU No. 17628302400016</p>
<p>Charlotte Russe, Inc. 4645 Morena Blvd. San Diego, CA 92117</p>	<p>Wide Braided Belt in Brown</p>	<p>SKU No. 301134255</p>
<p>Foreign Exchange, Inc. 3200 Wilshire Blvd. Suite 1234 Los Angeles, CA 90010</p>	<p>Belt in Brown</p>	<p>Item No. 41819</p>
<p>Gossip LLC 1350 Travis Boulevard, Store #304 Fairfield, CA 94533</p>	<p>Belt in Yellow</p>	<p>SKU No. 0-10003-10450- Style No. WE-1085</p>
<p>Honey Punch, Inc. 1100 Wilshire Blvd. #2408 Los Angeles, CA 90017</p>	<p>Belt in Orange</p>	<p>SKU No. 8350000131</p>

<p>Hot Topic, Inc. 18305 E. San Jose Avenue City of Industry, CA 91748</p> <p>Hot Topic Merchandising, Inc. 18305 E. San Jose Avenue City of Industry, CA 91748</p>	<p>Torrid Belt in Red</p>	<p>SKU No. 581555004</p>
<p>Isaac Mizrahi Inc. 307 W 36th Street New York, NY 10018</p> <p>IM Ready-Made LLC 475 Tenth Avenue New York, NY 10036</p>	<p>Isaac Mizrahi Live Braided Metal Link Belt in Dijon</p>	<p>Item No. A203882</p>
<p>Joia Trading, Inc. 1020 S Crocker Street Los Angeles, CA 90021</p>	<p>JOIA Belt in Green and Pink</p>	<p>n/a</p>
<p>Pretty In Pink 1 Sun Valley Mall Concord, CA 94520</p>	<p>A.P. Belt in Red</p>	<p>Style No. WE6125</p>
	<p>Braided Belt in Mustard</p>	<p>SKU No. 0-10002-94484 Style No. KD-0933</p>
<p>QVC, Inc. 1200 Wilson Drive West Chester, PA 19380</p>	<p>Isaac Mizrahi Live Braided Metal Link Belt in Dijon</p>	<p>Item No. A203882</p>
<p>Sassy S 2800 N. Main Street #608 Santa Ana, CA 92705</p>	<p>A.P. Belt with Jewels in Red</p>	<p>Style No. WE1217</p>
<p>Together 1350 Travis Blvd., Store #610 Fairfield, CA 94533</p>	<p>Belt in Bright Green</p>	<p>n/a</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 chemicals that are 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.

May 9, 2011



Howard Hirsch
Attorney for 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 jbanister@lexlawgroup.com.

On May 9, 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 2:25 p.m. on May 9, 2011:

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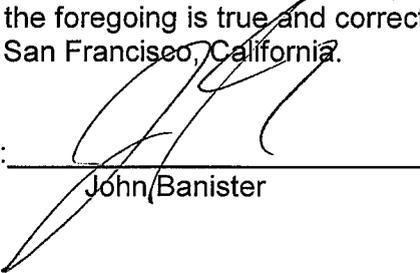
Gregory D. Totten, District Attorney Ventura
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Rod Pacheco, District Attorney
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Riverside, CA 92501
Prop65@rivcoda.org

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 May 9, 2011, at San Francisco, California.

Signed: _____


John Banister

SERVICE LIST

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1225 Fallon Street, Rm. 900
Oakland, CA 94612

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P.O. Box 248
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708 Court Street, Ste. 202
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25 County Center Drive
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District Attorney of Calaveras County
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200 East Santa Clara Street
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California Attorney General's Office
Attention: Proposition 65 Coordinator
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