

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

July 1, 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 July 1, 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.
- 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 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 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 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) 913-7800.

EXHIBIT 1
July 1, 2011 Notice of Violation
Lead in Wallets, Handbags, Purses, and Clutches
Non-Exclusive Examples of the Products

Names and Addresses of Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Alfa Travelgear, Inc. 1538 N. Knowles Ave Los Angeles, CA 90063	Je Veux Handbag in Yellow	Item No. MCF253#
Amy Kathryn Design LLC 13700 Tahiti Way #239 Marina Del Ray, CA 90292	Amy Kathryn Handbag in Yellow and Black	SKU No. 006964573
Bioworld Merchandising, Inc. 2111 W. Walnut Hill Ln. Irving, TX 75038	Sesame Street Cookie Monster Wallet in Green	SKU No. 02275550
Chico's FAS, Inc. 11215 Metro Park Fort Myers, FL 33966	Nyla Shoulder Bag in Lime Green	SKU No. 451001194227
Contempo, Inc. - U.S.A. 13300 S. Figueroa St Los Angeles, CA 90061	Sachi Shoulder Bag in Salmon Pink	SKU No. 400065290932
Cornel Trading, Inc. 17409 Marquardt Ave #B2 Cerritos, CA 90703	Cornel Wallet with Crown Detail in Yellow	Style No. 360CR-YELLOW
David M. Brian 1129 Broadway Plaza Walnut Creek, CA 94596	Small Purse with Gold Frame in Orange	SKU No. 16-B1 520395 22-1498
	Mellow World Purse in Yellow	Style No. HB2703

Depeche Mode, Inc. 520 8 th Ave New York, NY 10018	Depeche Mode New York Polka Dot Wallet in Orange	SKU No. 400062542461 Style No. WLT4004PDORG
Dumain & Associates, Inc. 36 Boxberger Road Pine Bush, NY 12566	Roccatella Glove Leather Haley Convertible Satchel in Mustard	SKU No. A210555
Francesca's Collections, Inc. 3480 W 12 th St Houston, TX 77008	Street Level Folded Flap Clutch in Yellow	SKU No. 25729 Style No. 1000
Giorgio Armani Corporation 114 5 th Avenue, 17 th Fl. New York, NY 10011	Armani Exchange Wallet in Red	UPC No. 4000-3772-4311 Style No. S5SA742
Intercontinental Leathern Industries, Inc. 10 West 33 rd Street #402 New York, NY 10001	ILI Zipper Hobo Handbag in Orange	Product No. 32040
Isabella Fiore, Inc. 4016 McLaughlin Ave Los Angeles, CA 90066 Isabella Fiore SPV, LLC 15 West 34 th Street New York, NY 10005	Fiore Leather Heart/Peace Messenger Bag in Saffron	SKU No. A92449
JMAM, LLC dba Joan Rivers Worldwide Enterprises 150 East 58 th Street, 32 Floor New York, NY 10155	Joan Rivers City Scene Python Pattern Tote in Green	SKU No. A97805
Kenneth Jay Lane, Inc. 20 West 37 th Street New York, NY 10018	Kenneth Jay Lane Butterfly Handbag in Green	SKU No. A314696 Style No. S97019/189

<p>Love Culture, Inc. 2423 E. 23rd Street Los Angeles, CA 90058</p> <p>Love Culture LLC 5411 S. Soto Street Los Angeles, CA 90058</p>	Love Culture Chains and Studs Shoulder Bag in Pink	SKU No. 10351110091 Style No. 070-14096
	Love Culture Classic Metal Frame Wallet in Yellow	SKU No. 1021996071 Style No. Bag-319
	Love Culture Rossette Shoulder Bag in Red	SKU No. 1033374031 Style No. 122046
<p>Marshalls of MA, Inc. 770 Cochituate Road Framingham, MA 01701</p> <p>Marshalls of CA, LLC 770 Cochituate Road Framingham, MA 01701</p>	Amy Kathryn Handbag in Yellow and Black	SKU No. 006964573
	Handbag in Yellow	SKU No, 015062501
<p>Mellow World, Inc. 1972 W. Holt Ave. Pomona, CA 91768</p>	Mellow World Purse in Yellow	Style No. HB2703
<p>Norm Thompson Outfitters, Inc. 3188 NW Aloclek Dr. Hillsboro, OR 97124</p>	ILI Zipper Hobo Handbag in Orange	Product No. 32040

SLK 6944 Oran Circle Buena Park, CA 90621	SLK Handbag in Turquoise and Yellow	Style No. Z1004 Color: YL/TQ
Spencer Gifts, LLC 6826 Black Horse Pike Egg Harbor Township, NJ 08234	Sesame Street Cookie Monster Wallet in Green	SKU No. 02275550
Triple 7 Global, Inc. 110 East 9 th Street # A1085 Los Angeles, CA 90075	Street Level Folded Flap Clutch in Yellow	SKU No. 25729 Style No. 1000

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.

July 1, 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 503 Divisadero Street, San Francisco, California 94117. 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 July 1, 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 12:58 p.m. on July 1, 2011:

Lon Wixson, Deputy District Attorney
Contra Costa County
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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 July 1, 2011, at San Francisco, California.

Signed: _____


Patrick Carey

SERVICE LIST

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San Jose City Attorney's Office
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California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
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