

SHUTE, MIHALY
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November 17, 2011

**ATTORNEY GENERAL COPY: CONTAINS OFFICIAL
INFORMATION PER EVIDENCE CODE § 1040**

**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies:

Shute, Mihaly & Weinberger LLP ("Firm") represents As You Sow ("AYS"), a 501 (c) (3) non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education and corporate accountability. As You Sow is based in San Francisco, California and was incorporated in 1992 under the laws of the State of California.

This firm and AYS have documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 et seq. This letter serves to provide this Firm's and AYS' notification of these violations to the public enforcement agencies. Pursuant to §25249.7(d) of the statute, this Firm intends to bring an enforcement action on behalf of AYS sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

Alleged violators. The name of the violator covered by this notice is The Procter & Gamble Manufacturing Company.

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Chemicals. These violations involve exposures to 1,4-dioxane from the products listed below. On January 1, 1988, the State of California officially listed 1,4-dioxane as a chemical known to cause cancer.

Consumer products. The products that are the subject of this notice are Tide HE Original Scent Liquid Detergent, Gain HE Original Liquid Detergent, Tide for Coldwater Fresh Scent Liquid Detergent, Cheer HE Fresh Clean Scent Liquid Detergent, Dreft HE 2X Ultra Liquid Detergent, Era Active Stainfighter HE 2X Ultra Liquid Detergent, and Ivory Snow Gentle Care 2X Ultra Liquid Detergent, manufactured, sold, and/or distributed by The Procter & Gamble Manufacturing Company in California.

Route of exposure. Use of the product identified in this notice results in human exposures to 1,4-dioxane. The routes of exposure include dermal absorption directly through the skin and eyes when consumers touch or handle the product, and inhalation when consumers breathe near the products. No clear and reasonable warning is provided with this product regarding the carcinogenic hazards of 1,4-dioxane.

Duration of violations. Each of these ongoing violations has occurred on every day since at least November 17, 2010, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. You may communicate directly with As You Sow to discuss an early resolution of this matter by contacting Larry Fahn, President, or Kara Buchner, Staff Attorney, 311 California Street, Suite 510, San Francisco, CA 94104, 415-391-3212. You may also contact AYS' counsel:

Robert "Perl" Perlmutter
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102
PH: 415.552.7272; Fax: 415.552.5816
Email: perlmutter@smwlaw.com

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& WEINBERGER LLP

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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to be 'R' followed by a long horizontal stroke that tapers to the right.

Robert "Perl" Perlmutter

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SHUTE, MIHALY
& WEINBERGER LLP


CERTIFICATE OF MERIT

(Notice of Proposition 65 Violation on The Procter & Gamble Manufacturing Company)

I, Robert S. Perlmutter, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party in the notice has violated section 25249.6 of the Health and Safety Code by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding exposure to the listed chemicals that are the subject of the action.
4. Based on the information obtained through those consultations, and on all 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 that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this 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 section 25249.7(h)(2) of the Health and Safety Code, 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.

Dated: 11/17/11


Robert S. Perlmutter

Enclosure (For Attorney General Copy only)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is: 396 Hayes Street, San Francisco, CA 94102.

On November 17, 2011, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Robert A. McDonald
Chairman, Chief Executive Officer, and President
The Procter & Gamble Manufacturing Company
P.O. Box 599
Cincinnati, OH 45201

On November 17, 2011, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Proposition 65 Enforcement Reporting
Attention: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550

On November 17, 2011, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on November 17, 2011, at San Francisco, California.


Sean Mulligan

THE HONORABLE NANCY E. O'MALLEY
ALAMEDA COUNTY DISTRICT ATTORNEY
1225 FALLON ST RM 900
OAKLAND CA 94612

THE HONORABLE ROBERT J. MALONEY
GLENN COUNTY DISTRICT ATTORNEY
PO BOX 430
540 WEST SYCAMORE STREET
WILLOWS CA 95988

THE HONORABLE EDWARD BERBERIAN
MARIN COUNTY DISTRICT ATTORNEY
3501 CIVIC CTR DR RM 130
SAN RAFAEL CA 94903-4164

THE HONORABLE TERESE DRABEC
ALPINE COUNTY DISTRICT ATTORNEY
PO BOX 248
MARKLEEVILLE CA 96120

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825 FIFTH ST, 4TH FLOOR
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PO BOX 730
5101 JONES STREET
MARIPOSA CA 95338

THE HONORABLE TODD D RIEBE
AMADOR COUNTY DISTRICT ATTORNEY
708 COURT ST STE 202
JACKSON CA 95642

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IMPERIAL COUNTY DISTRICT ATTORNEY
939 W MAIN ST, SUITE 102
EL CENTRO CA 92243

THE HONORABLE C. DAVID EYSTER
MENDOCINO COUNTY DISTRICT ATTORNEY
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UKIAH CA 95482

THE HONORABLE MICHAEL RAMSEY
BUTTE COUNTY DISTRICT ATTORNEY
25 COUNTY CTR DR #245
OROVILLE CA 95965-3370

THE HONORABLE ARTHUR MAILLET
INYO COUNTY DISTRICT ATTORNEY
P.O. DRAWER U
INDEPENDENCE CA 93526-0604

THE HONORABLE LARRY MORSE II
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MERCED CA 95340

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CALAVERAS COUNTY DISTRICT ATTORNEY
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SAN ANDREAS CA 95249

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ALTURAS CA 96101-4020

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COLUSA COUNTY DISTRICT ATTORNEY
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COLUSA CA 95932

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LAKEPORT CA 95453

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DEL NORTE COUNTY DISTRICT ATTORNEY
450 H ST STE 171
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LASSEN COUNTY DISTRICT ATTORNEY
220 S LASSEN ST STE 8
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931 PARKWAY MALL
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EL DORADO COUNTY DISTRICT ATTORNEY
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PLACERVILLE CA 95667

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LA COUNTY DISTRICT ATTORNEY
210 W TEMPLE ST ROOM 18-709
LOS ANGELES CA 90012

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NEVADA COUNTY DISTRICT ATTORNEY
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THE HONORABLE ELIZABETH EGAN
FRESNO COUNTY DISTRICT ATTORNEY
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QUINCY CA 95971

PAUL ZELLERBACH
RIVERSIDE COUNTY DISTRICT ATTORNEY
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RIVERSIDE CA 92501

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SAN JOSE CITY ATTORNEY'S OFFICE
200 E SANTA CLARA ST
SAN JOSE CA 95113

SAN FRANCISCO CITY ATTORNEY'S OFFICE
CITY HALL RM 234
SAN FRANCISCO, CA 94102

AMENDMENT TO CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is: 396 Hayes Street, San Francisco, CA 94102.

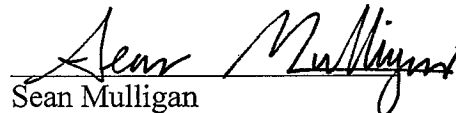
On November 10, 2011, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Robert A. McDonald
Chairman, Chief Executive Officer, and President
The Procter & Gamble Manufacturing Company
P.O. Box 599
Cincinnati, OH 45201

Executed on November 17, 2011, at San Francisco, California.


Sean Mulligan