

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Cadmium in Jewelry

December 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 December 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 eighteen previous 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 (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
December 21, 2011 Notice of Violation
Cadmium in Jewelry

Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Amazon.com, Inc. 410 Terry Avenue North Seattle, WA 98109	Combat Cutie Earrings	SKU No. 7-21773-62955-6
	Combat Cutie Dog Tags	SKU No. 7-21773-62957-0 Item No. 179588
Beadniks 203 Arizona Ave Santa Monica, CA 90401	Fish Charm	n/a
	Butterfly Charm	n/a
BuySeasons, Inc. 5150 S. Towne Dr. New Berlin, WI 53151	Old School Bling Necklace with Knuckle Pendant	SKU No. 7-21773-64471-9 Item No. 64471 Product ID No. 69493
California Dream Co., Inc. 771 E 14 th Street Los Angeles, CA 90021 Pink Ice, Inc. 3435 Wilshire Blvd. Ste. 2350 Los Angeles, CA 90010	Fleur de Lis Earrings	n/a
	Necklace with Sunburst Pendant	Style No. 3508-CR Item No. N1299

<p>Creativity, Inc. 7855 Hayvenhurst Ave Van Nuys, CA 91406</p> <p>Creativity Crafts, Inc. 7855 Hayvenhurst Ave Van Nuys, CA 91406</p> <p>DCWV Acquisition Corporation 2250 N. University Pkwy Ste. 4861 Provo, UT 84604</p> <p>Westrim, Inc. 7855 Hayvenhurst Ave Van Nuys, CA 91406</p>	<p>Blue Moon Beads Lost & Found Metal Charms</p>	<p>SKU No. 7-66435-12369-0</p>
<p>Crystal Mania 650 S Hill St # H16 Los Angeles, CA 90014</p>	<p>CrystalMania Koala Ring</p>	<p>SKU No. 8-17991-00003-8</p>
<p>First Fantasies-Costume Cuzzins, Inc 80 S 630 E E. Lindon, UT 84042</p>	<p>Big Daddy Bracelet</p>	<p>SKU No. 7-21773-59594-3</p>
<p>Gags and Games, Inc. 35901 Veronica St Livonia, MI 48150</p>	<p>Old School Bling Necklace with Boom Box Pendant</p>	<p>SKU No. 7-21773-64470-2</p>
<p>Hollywood Accessories 129 Bayfair Mall 15555 East 14th Street San Leandro, CA 94578</p>	<p>Crystal Chandelier Earrings</p>	<p>Style No. FE-13241-2CL</p>
	<p>Just for Her Necklace with Butterfly Pendant</p>	<p>n/a</p>
<p>Michaels Stores, Inc. 8000 Bent Branch Drive Irving, TX 75063</p>	<p>Blue Moon Beads Lost & Found Metal Charms</p>	<p>SKU No. 7-66435-12369-0</p>

Saum Accessories Inc 901 E Grand Ave #2 El Segundo, CA 90245	Necklace with Gun Pendant	SKU No. 8-52274-00384-9 Item No. 10184
Unbeatable Sale. Com Inc 195 Lehigh Ave., Ste. 5 Lakewood, NJ 08701	Combat Cutie Dog Tags	SKU No. 7-21773-62957-0 Item No. 179588
Walgreen Company 200 Wilmot Road Deerfield, IL 60015	CrystalMania Koala Ring	SKU No. 8-17991-00003-8
Windsor Fashions, Inc. 4533 Pacific Boulevard Vernon, CA 90058	Necklace with Fleur de Lis Pendant	SKU No. 4-07002-01711-9

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.

December 21, 2011



Howard Hirsch
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 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 December 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 4:39 p.m. on December 21, 2011:

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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 December 21, 2011, at San Francisco, California.

Signed: 
Patrick Carey

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