NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Lead in Jewelry

July 16, 2012

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:

- Violator: 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 16, 2009, 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.
- Chemicals 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 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 Lead. The jewelry is made of materials and components that contain Lead. For example, the non-metallic cords of bracelets and necklaces contain Lead, as do the metallic components such as beads, pendants, clasps, posts and other parts of the jewelry. 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 Proposition 65 warning is provided with these products regarding the presence of Lead in the products. CEH has issued over thirty other Notices of Violation regarding Lead in jewelry, and those Notices, which may be found on the California Attorney General's web site at http://proposition65.doj.ca.gov/default.asp, 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 violator agrees in a binding written instrument to: (1) recall products already sold; (2) reformulate such products to eliminate the lead exposure or take appropriate measures to otherwise comply with Proposition 65; 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) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
July 16, 2012 Notice of Violation
Lead in Jewelry

Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Art Box 777 East 10th Street, #115 Los Angeles, CA 90021	Brown Bracelet with Gold Studs	SKU No. 2-00000-11424-4 Style No. 9843
B&J Accessories 1228 11th Street Paso Robles, CA 93446	Unicorn Earrings	SKU No. 7-61429-00920-2
Bastiat Santa Monica, Inc. 11728 Darlington Ave., Ste 1 Los Angeles, CA 90049	Necklace with Skull Pendant in Black	SKU No. R0101000001
	Silver Necklace with Circular Pendant & Ivory Embellishments	SKU No. NE K4677-12 Style No. EN117
Bon Jewel, Inc. 1239 Broadway Room 500 New York, NY 10001	Kenneth Jay Lane Gold and Amber Necklace with Owl Pendant	SKU No. 891948834433 Style No. 313362201 Item No. US216672
Elegance Fashion Mart, Inc. 124 E. Olympic Blvd., #100 Los Angeles, CA 90015 **Precious Accessories, Inc.** 124 E. Olympic Blvd., #100 Los Angeles, CA 90015	Bracelet with Gold & Red Chains	SKU No. VBHJ2160GDRD Item No. LB GP/RED LDR. BELT00 0825

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.

July 16, 2012

Eric S. Somers
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 cfisher@lexlawgroup.com.

On July 16, 2012, 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 3:46 p.m. on July 16, 2012:

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

Karyn Sinunu-Towery,
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Prop65@standa.org

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daspecialops@ventura.org

Paul E. Zellerbach, District Attorney
Riverside County
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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 July 16, 2012, at San Francisco, California.

Signed: Casey Fisher
Casey Fisher

SERVICE LIST

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

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
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25 County Center Drive
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Colusa, CA 95932

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515 Main Street
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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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1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
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District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

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District Attorney of Orange County
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District Attorney of Sacramento County
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District Attorney of San Diego County
330 West Broadway, Ste. 1300
San Diego, CA 92101

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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

Hyo Sang Kim, Owner *
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