

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Cadmium 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:

- 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 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.
- 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 Proposition 65 warning is provided with these products regarding the presence of cadmium in the products. CEH has issued over twenty 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/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 alleged violator enters into a binding written agreement to: (1) recall products already sold; (2) reformulate such products to eliminate the cadmium 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 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
Cadmium in Jewelry

Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Ana Accessories Corporation 3530 Wilshire Blvd., Ste 695 Los Angeles, CA 90010</p> <p>Ana Trading Company 1004 Towne Ave. Los Angeles, CA 90021</p>	<p>Love Culture Bird Cutout Ring in Gold</p>	<p>SKU No. 1035170161 Item No. SR-12344</p>
<p>B&J Accessories 1228 11th Street Paso Robles, CA 93446</p>	<p>Unicorn Earrings</p>	<p>SKU No. 7-61429-00920-2</p>
<p>Forever NYC Fashion Accessory Import LLC 52 W. 28th Street New York, NY 10001</p>	<p>Chain Necklace with Fox Charm</p>	<p>Style No. NL10905 Item No. 7128 SKU No. 250300</p>
<p>Forplay, Inc. 9440 Gidley Street Temple City, CA 91780</p> <p>For Play Catalog, Inc. 9440 Gidley Street Temple City, CA 91780</p>	<p>Forplay Gold Necklace with Rhinestone Heart Pendant</p>	<p>SKU No. 8-47890-17309-0 Style No. 978304</p>
<p>GTG Collection 1458 S. San Pedro St., #312 Los Angeles, CA 90015</p>	<p>Necklace and Earrings Set with Roses and Ribbon</p>	<p>SKU No. 8750914621 Item No. GNE9146</p>
<p>Lb's Fashion 1229 S. Los Angeles Street Los Angeles, CA 90015</p>	<p>LB's Chain Necklace with Owl Pendant</p>	<p>Style No. N3179-CR</p>
<p>TYJ Trading, Inc. 1926 N. Olympic Drive Vernon Hills, IL 60061</p>	<p>One Way J Collection Silver Bracelet</p>	<p>SKU No. 7-36211-83994-7</p>

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 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 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
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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 16, 2012, at San Francisco, California.

Signed: 
Casey Fisher

SERVICE LIST

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