

60 DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: August 8, 2012
To: Staples, Inc. and SodaStream USA, Inc.;
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorney's Office for Los Angeles, San Diego, San Jose and San Francisco.

From: Alisa Schochet

I. INTRODUCTION

My name is Alisa Schochet. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. ("Proposition 65"). The violations alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical ("listed chemical") identified below:

Product Exposure:	See Section VII, Exhibit A
Listed Chemical:	Lead and Lead Compounds
Routes of Exposure:	Touch, Oral
Types of Harm:	Carcinogen, Causes Birth Defects and Other Reproductive Toxicity

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and which is the subject of this Notice, is listed under "Product Category/Type" in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the "products." The sales of these products in California dating at least as far back as July 1, 2012 are subject to this Notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and responsible warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizenry lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California where these products are used. Exposure to consumers includes, but is not limited to, when handling the product Lead comes off on the hands and is then absorbed through the skin or ingested via inhalation, hand to mouth contact, hand to food to mouth contact, or through hand to cigarette to lung contact. Exposure may continue to occur for a significant period after the initial contact. These activities cause women, pregnant women, and women of child bearing age to be exposed directly through migration of the listed chemical from the products. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that re listed as carcinogens and as reproductive toxins.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's offices at the following address:

Alisa Schochet
c/o Daniel N. Greenbaum, Esq.
1467 South Holt Avenue #2
Los Angeles, CA 90035
Phone: 310.200.2631

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment ("OEHHA") in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), I have attached a copy of "Proposition 65 in Plain Language" which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator(s), unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future, or reformulate such products to eliminate the [name of chemical] exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b).

If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received

this Notice. Therefore, while reaching an agreement that will resolve my claims, such as agreement may not satisfy the public prosecutors.

VI. ADDITIONAL INFORMATION

<u>Product</u>	<u>Retailer(s)</u>	<u>Manufacturer(s)/Distributor(s)</u>
Carbonator	Staples	Soda Stream

Identified above is a specific example of a product recently purchased and witnesses as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the alleged Violator(s) and other distributors and retailers of the product.

VII. EXHIBIT A

<u>Product Category/Type</u>	<u>Specific Product¹</u>	<u>Toxins</u>
Beverage	Carbonator /valve; UPC 811369001214	Lead and Lead Compounds

¹ The specific example identified above is of the type of product which is the subject of this Notice. I am identifying herein for all recipients' benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example does not represent an exhaustive or comprehensive identification of any or all specific products of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)' custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

Mailing List—Interested Parties

Soda Stream USA, Inc.
Attn: Legal
One Mall Drive, Suite 905
Cherry Hill, NJ, USA
08002-2105

Staples, Inc.
Attn: Legal
500 Staples Drive
Framingham, MA 01702

Attorney General's Office
Attn: Edward G. Weil
1515 Clay St. #2000
P.O. Box 70550
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

District Attorney
AMADOR COUNTY
708 Court Street #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive --
Administration Building
Oroville, CA 95965

District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney
KINGS COUNTY
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney
MADERA COUNTY
209 West Yosemite Avenue
Madera, CA 93637

District Attorney
MENDOCINO COUNTY
PO BOX 1000
Ukiah, CA 95482

District Attorney
MONO COUNTY
PO BOX 617
Bridgeport, CA 93546

District Attorney
SAN DIEGO COUNTY
330 W. Broadway, Suite 1300
San Diego, CA 92101

District Attorney
ORANGE COUNTY
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney
RIVERSIDE COUNTY
4075 Main Street
Riverside, CA 92501

District Attorney
SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
San Francisco, CA 94103

District Attorney
SAN MATEO COUNTY
400 County Center, Third Floor
Redwood City, CA 94063

District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney
SISKIYOU COUNTY
PO BOX 986
Yreka, CA 96097

District Attorney
STANISLAUS COUNTY
832 12th Street, Ste. 300
Modesto, CA 95353

District Attorney
TRINITY COUNTY
PO BOX 310
Weaverville, CA 96093

District Attorney
VENTURA COUNTY
800 South Victoria Avenue
Ventura, CA 93009

District Attorney
ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

Office of the City Attorney
CITY OF SACRAMENTO
P.O. Box 1948
Sacramento, CA 95812

Office of the City Attorney
CITY OF SAN DIEGO
Consumer
and Environmental Protection
1200 Third Avenue, Suite 700
San Diego, CA 92101

Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

District Attorney
COLUSA COUNTY
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
725 Court Street, Fourth Floor
Martinez, CA 94553

District Attorney
FRESNO COUNTY
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney
HUMBOLDT COUNTY
825 5th Street
Eureka, CA 95501

District Attorney
INYO COUNTY
PO Drawer D
Independence, CA 93526

District Attorney
LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

District Attorney
MARIN COUNTY
3501 Civic Center Drive,
Room 130
San Rafael, CA 94903

District Attorney
MERCED COUNTY
2222 M Street
Merced, CA 95340

District Attorney
MONTEREY COUNTY
PO BOX 1131
Salinas, CA 93902

District Attorney
County of Los Angeles
210 West Temple Street,
Suite 18000
Los Angeles, CA 90012-3210

District Attorney
PLACER COUNTY
10810 Justice Center Drive
Roseville, CA 95678

District Attorney
SACRAMENTO COUNTY
PO BOX 749
Sacramento, CA 95812

District Attorney
SAN JOAQUIN COUNTY
PO BOX 990
Stockton, CA 95202

District Attorney
SANTA BARBARA COUNTY
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney
SHASTA COUNTY
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney
SOLANO COUNTY
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney
SUTTER COUNTY
PO BOX 1555
Yuba City, CA 95992

District Attorney
TULARE COUNTY
221 South Mooney Blvd.,
Suite 224
Visalia, CA 93291

District Attorney
YOLO COUNTY
301 Second Street
Woodland, CA 95695

District Attorney
County of San Bernardino
316 N. Mountain View Ave
San Bernardino, CA 92415-0004

Office of the City Attorney
CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012

Office of the City Attorney
City of Oakland
505 14th Street 12th Floor
Oakland, CA 94612

Office of the City Attorney
CITY OF ANAHEIM
200 S. Anaheim Blvd.
Anaheim, CA 92805

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

District Attorney
EL DORADO COUNTY
515 Main Street
Placerville, CA 95667

District Attorney
GLENN COUNTY
PO Box 430
Willows, CA 95988

District Attorney
IMPERIAL COUNTY
940 West Main Street, Ste. 102
El Centro, CA 92243

District Attorney
KERN COUNTY
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney
LASSEN COUNTY
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney
MARIPOSA COUNTY
PO BOX 730
Mariposa, CA 95338

District Attorney
MODOC COUNTY
204 S. Court Street, Room 202
Alturas, CA 96101

District Attorney
NAPA COUNTY
PO BOX 720
Napa, CA 94559

District Attorney
NEVADA COUNTY
110 Union Street
Nevada City, CA 95959

District Attorney
PLUMAS COUNTY
520 Main Street, Room 404
Quincy, CA 95971

District Attorney
SAN BENITO COUNTY
419 4th Street
Hollister, CA 95023-3801

District Attorney
SAN LUIS OBISPO COUNTY
1035 Palm Street
San Luis Obispo, CA 93408

District Attorney
SANTA CLARA COUNTY
70 West Hedding Street,
West Wing
San Jose, CA 95110

District Attorney
SIERRA COUNTY
100 Courthouse Square
Downieville, CA 95936

District Attorney
SONOMA COUNTY
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403

District Attorney
TEHAMA COUNTY
PO BOX 519
Red Bluff, CA 96080

District Attorney
TUOLUMNE COUNTY
423 No. Washington Street
Sonora, CA 95370

District Attorney
YUBA COUNTY
215 Fifth Street, Ste. 152
Marysville, CA 95901

Office of the City Attorney
CITY OF BURBANK
275 E. Olive Avenue
Burbank, CA 91502

Office of the City Attorney
CITY OF TORRANCE
3031 Torrance Blvd.
Torrance, CA 90503

Office of the City Attorney
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113