

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses and Clutches Made With Leather, Vinyl or Imitation Leather Materials

September 25, 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, CA 94612, (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 September 25, 2009, and are continuing to this day.
- 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(s) 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.
- Types of Products: The specific types of products causing this violation are wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead as to all of the alleged violators listed on the attached Exhibit 1, and occupational exposures to Lead as to the alleged violators marked with a pound symbol (#) on the attached Exhibit 1. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dyes, paints and other coloring agents used in the products, and in the chemicals used in the leather tanning process. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The routes of exposure for the violations are direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the

products or items that have been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. Consumer exposures to Lead from the products occur when consumers wear, take on or off, or otherwise touch or handle the products or items that have been stored in the products.

Occupational exposures to Lead from the products occur throughout the State of California when workers manufacture, assemble, display, sell, store, or otherwise touch or handle the products. Persons exposed include workers in factories, warehouses and distribution centers, and clerks in retail stores which come into contact with the products. This Notice only applies to occupational exposures that occur in the State of California. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of Lead in the products.

- Statement Re: Occupational Exposures: As set forth above, this Notice alleges violations of both consumer and, as to the alleged violators marked with a pound symbol (#) on the attached Exhibit 1, occupational exposures to Lead. The following statement concerns procedures and requirements that are specific to occupational exposures. "This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General." 8 Cal. Code Regs. § 338(b).

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) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; 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) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
September 25, 2012 Notice of Violation
Lead in Wallets, Handbags, Purses, and Clutches
Made with Leather, Vinyl or Imitation Leather Materials

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
AmeriMark Direct, LLC 6836 Engle Road Cleveland, OH 44101 AmeriMark Holdings, LLC 6864 Engle Road Cleveland, OH 44130 Dr. Leonard's Healthcare Corp. 6864 Engle Road Cleveland, OH 44130	N/A	N/A
Blue Sky Imports, Inc. 485 Horizon Drive Suite 1300 Suwanee, GA 30024	Bottari USA Purse in Red	Item No. JS8544 RED
Bora Bora Handbags # 1013 S. Los Angeles Street 14 th Floor Los Angeles, CA 90015	Bora Bora Handbag in Yellow	Item No. CL-450 SUN
Burlington Coat Factory Warehouse Corporation # 1830 Route 130 North Burlington, NJ 08016	Big Buddha Color Block Clutch	Style No. JSMOLLIE SKU No. 7-62670-44159-9
C & Co Collection, Inc. # 770 E. Washington Blvd. Los Angeles, CA 90021	Love Culture Classic Metal Frame Wallet in Yellow	Style No. Bag-319 Yellow SKU No. 1021996071
Century Sourcing Group, Inc. 1775 E. 2 nd Street Brooklyn, NY 11223	Crocodile Clutch in Yellow	Item No. 1124-6744-2038 SKU No. 001-734-5570

Color And Color Inc. 1239 Broadway, Suite 818 New York, NY 10001 Color And Color Import, Inc. 1239 Broadway, Suite 818 New York, NY 10001	Color And Color Snakeskin Clutch in Red	Item No. TB406
Deux Lux Inc. # 1031 S. Broadway, Suite 742 Los Angeles, CA 90015	Deux Lux Handbag in Coral	Style No. DL1209-127 CORAL
Ebisu Import, Inc. 10440 NW 37 Terrace Miami, FL 33178	eBISU Clutch with Pink Trim	Item No. 0H0100-BURG SKU No. 2-10002-46364-2
Fashion Forward NY Inc. 320 Fifth Avenue, Suite 811 New York, NY 10001	Fashion Forward Purse with Flower and Braid in Yellow	Style No. SPRING YEL295 SKU No. 400078403886
Handbag Republic, Inc. # 18217 Railroad Street City of Industry, CA 91748	Handbag Republic Purse with Gold Studs in Orange	SKU No. 8910005521
Inspire # 386 Southland Mall Hayward, CA 94545-2132	Bora Bora Handbag in Yellow	Item No. CL-450 SUN
	Bottari USA Purse in Red	Item No. JS8544 RED
Isis # 600 Southland Mall Hayward, CA 94545	Color And Color Snakeskin Clutch in Red	Item No. TB406
	eBISU Clutch with Pink Trim	Item No. 0H0100-BURG SKU No. 2-10002-46364-2

Lucky Star Accessories, Inc. # 110 E. 9 th Street Suite C1029 Los Angeles, CA 90079	Charlotte Russe Patchwork Purse in Red	Style No. LSP-F11-71OR SKU No. 301261224
MMS Trading, Inc. # 4577 S. Maywood Avenue Vernon, CA 90058	Miztique Purse in Green	Style No. MIZ-YL9557# SKU No. 14122311401
	MMS Design Studio Purse in Teal	Style No. MMS-YL-7289A#
Perfect Image, LLC 10 West 33 rd Street Room 1117 New York, NY 10001	Perfect Image Studded Wristlet in Coral	SKU No. 400075996145
Rebecca Minkoff, LLC 33 West 17 th Street 6 th Floor New York, NY 10011 Rebecca Minkoff Holdings LLC 404 Edgewood Avenue Clearwater, FL 33755	R & Em Handbag in Red	Style No. M092D35G RED SKU No. 8-46632-17612-2
Zen # 114 E. 12 th Street Los Angeles, CA 90015	Love Culture Rossette Shoulder Bag in Red	Style No. VA-122046B RED SKU No. 1033374031

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.

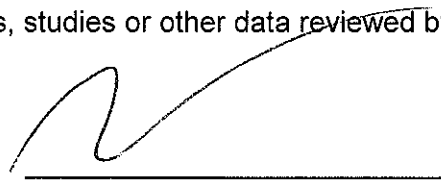
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

September 25, 2012



Howard Hirsch
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 jbanister@lexlawgroup.com.

On September 25, 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 3:09 p.m. on September 25, 2012:

Lon Wixson, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
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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 September 25, 2012, at San Francisco, California.

Signed: _____

John Banister

SERVICE LIST

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