

JUNE 12, 2013, NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act
Titanium Dioxide (airborne, unbound particles of respirable size) in Personal Care Powders

This June 12, 2013, Notice of Violation ("NOV") 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 (commonly known as "Prop 65"), see the attached summary provided by the California Environmental Protection Agency (copies not provided to public enforcement agencies).
- This NOV is provided by The Public Interest Alliance LLC ("PIA"), 222 Sutter Street, Suite 600, San Francisco, CA 94108 (Telephone 415.597.5500). PIA is a California limited liability company dedicated to improving human health, preserving the natural environment, and promoting compliance with environmental and consumer disclosure laws.

Description of Alleged Violation:

- Violators. The names and addresses of the alleged violators are listed on Exhibit A, which is attached hereto and by this reference incorporated herein.
- Time Period of Exposure: The alleged violations have been occurring since at least September 2, 2012, and continue to the date set forth above.
- Provision of Prop 65. This NOV covers the "warning provision" of Prop 65, which is found at California Health & Safety Code section 25249.6
- Chemical(s) Involved. The name of the listed chemical involved in the alleged violations is titanium dioxide (airborne, unbound particles of respirable size). Exposures to Titanium Dioxide (unbound, airborne particles of respirable size) occur from use of the products and types of products identified in this NOV.
- Types of Products. The specific types of products causing this alleged violation are personal care products in powder form that contain titanium dioxide (airborne, unbound particles of respirable size) (the "Products"). Non-exclusive examples of these types of products are listed on Exhibit A.
- Description of Exposure. This NOV addresses consumer exposures to titanium dioxide. Use of the Products results in human exposures to titanium dioxide. The Products contain titanium dioxide (airborne, unbound particles of respirable size). The route of exposure for the violations is inhalation by consumers. Inhalation occurs when the products are applied to the skin and face, which releases respirable-sized particles of titanium dioxide into the air. No clear and reasonable warning is provided with the Products regarding the carcinogenic hazards of titanium dioxide.

Resolution of Noticed Claims:

Based on the allegations set forth in this NOV, PIA 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 all Products sold since September 2, 2012; (2) provide clear and reasonable warnings for Products sold in the future, or reformulate such Products to eliminate the titanium dioxide (airborne, unbound particles of respirable size) 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 time-consuming litigation, please feel free to contact PIA through its counsel of record, identified below. Please note that PIA cannot: (a) Finalize any settlement until after the 60-day notice period has expired; nor (b) speak for the Attorney General, or any District or City Attorney who received PIA's NOV. Therefore, while reaching an agreement with PIA will resolve PIA's claims, such agreement may not satisfy public enforcement officials.

Please direct any inquiries regarding this NOV to PIA through its counsel Jeffrey M. Judd, Judd Law Group LLP, 222 Sutter Street, 6th Floor, San Francisco, CA 94108 (telephone 415-597-5500, ext. 101) (email: jeff@juddlawgroup.com).

EXHIBIT A

June 12, 2013, Notice of Violation

Titanium Dioxide (airborne, unbound particles of respirable size)
in Personal Care Products (cosmetics, sunscreen, skincare products) in Powder Form

NO.	RESPONSIBLE PARTY	NON-EXCLUSIVE EXAMPLE(S) OF TYPES OF PRODUCTS	NOTES
1.	Susan Posnick Cosmetics 165 Cole Street Dallas, TX 75207-7101	Colorflo Sunblock Foundation Powder	
2.	Proctor & Gamble/CoverGirl 1 Procter & Gamble Plaza Cincinnati, OH 45202	CoverGirl TruBlend Naturally Luminous Loose Powder, Translucent Medium 415	
3.	Revlon Holdings, Inc. 237 Park Avenue New York, NY 10017	Revlon Colorstay Aqua Mineral Finishing Powder, Translucent Light	
4.	Almay, Inc./Revlon Holdings, Inc. 237 Park Avenue New York, NY 10017	Almay Nearly Naked Loose Powder For Normal/Combo Skin	
5.	Physicians Formula 1055 West 8 th Street Azusa, CA 91702	Physicians Formula Airbrushing Loose Powder, Translucent Light 7314	
6.	Iredale Mineral Cosmetics, LTD. 28 Church St Great Barrington, MA 01230	Jane Iredale Powder Me, Dry Sunscreen, SPF 30	
7.	Color Science, Inc. 1240 East Glenwood Place Santa Ana, CA 92707	Colorescience SPF 50 Brush Sunforgettable Mineral Powder Sun Protection	
8.	Bare Escentuals Beauty, Inc. 71 Stevenson Street, 22d Floor San Francisco, CA 94105	bareMinerals Original Foundation Broad Spectrum SPF 15 Buxom Hot Escapes Bronzer	
9.	L'Oreal USA S/D, Inc. 575 Fifth Avenue New York, NY 10017	(1) L'Oreal Translucide Naturally Luminous Powder (2) Lancome Ageless Minerale Skin- Transforming Mineral Powder Foundation with White Sapphire Complex	
10.	Maybelline, Inc. 575 Fifth Avenue New York, NY 10017	Maybelline Mineral Power Powder Finishing Veil	
11.	Peter Thomas Roth Labs, LLC 460 Park Avenue, 16 th Floor New York, NY 10022	Peter Thomas Roth Anti-Aging Instant Mineral SPF 45	
12.	Elizabeth Arden, Inc. 200 Park Avenue South, 7 th Floor New York, NY 10003	Elizabeth Arden Ceramide Skin Soothing Loose Powder	
13.	Laura Mercier/Gurwitch Products, LLC 8 Greenway Plaza, 7 th Floor Houston, TX 77046	Laura Mercier Mineral Powder SPF 15	
14.	Neutrogena Corporation 5760 West 96th Street Los Angeles, CA 90045	Neutrogena Mineral Shear Powder Foundation	

EXHIBIT A

June 12, 2013, Notice of Violation

**Titanium Dioxide (airborne, unbound particles of respirable size)
in Personal Care Products (cosmetics, sunscreen, skincare products) in Powder Form**

15.	Smashbox Beauty Cosmetics, Inc. 767 Fifth Avenue New York, NY 10153	Smashbox Halo Hydrating Perfecting Powder	
16.	NARS Cosmetics, Inc. 900 Third Avenue, 17 th Floor New York, NY 10022-4795	NARS Loose Powder with Applicator Puff	
17.	AHAVA North America, LLC 411 Fifth Avenue New York, NY 10016	AHAVA Deadsea Algae Loose Mineral Makeup Care Powder	
18.	Korres/Johnson & Johnson 1 Johnson & Johnson Plaza New Brunswick, NY	KORRES Wilde Rose Illuminating Powder	
19.	Amazing Cosmetics, Inc. 133 East Cook Avenue Libertyville, IL 60048	Amazing Cosmetics Velvet Mineral Powder Foundation	
20.	W3LL People 215 S. Lamar Blvd., Suite B Austin, TX 78704	W3LL People Hedonist Mineral Bronzer	
21.	E.L.F./JA Cosmetics Corp. 10 West 33 rd Street, Room 802 New York, NY 10001-3323	E.L.F. Mineral Glow	
22.	Trish McEvoy LTD 430 Commerce Blvd Carlstadt, NJ 07072 491 Edward Bess Dr Elmwood Park, NJ, 07407 212-758-7790	Even Skin [®] Mineral Powder Foundation	
23.	Christian Dior, Inc. 19 East 57 th Street New York, NY 10022	Dior Snow White Reveal UV Shield Loose Powder	
24.	LaBella Donna, LTD 12021 Wilshire Blvd, #866 Los Angeles, CA 90025	(1) Tickle Time Sun Block (by Anne Heche) (2) La Bella Donna Minerals On The Go	
25.	True Cosmetics, LLC 2924 Shepherd Court Woodridge, IL 60517	Being TRUE Protective Mineral Foundation SPF 17 Loose Powder	
26.	Estee Lauder, Inc. 7 Corporate Center Drive Melville, NY 11747	Estee Lauder Double Wear Mineral Rich Loose Powder Makeup	
27.	Eminence Organic Skin Care 300-530 West Broadway Street Vancouver, BC V5Z1E9	Eminence Sun Defense Minerals SPF 30	
28.	Tarte Inc. 224 West 35 th Street, Suite 1001 New York, NY 10001-2533	Tarte Provocateur Mineral Pressed Powder SPF 8	
29.	Guerlain, Inc. 19 East 57 th Street New York, NY 10022	Guerlain Meteorites Compact Powder	

EXHIBIT A

June 12, 2013, Notice of Violation

**Titanium Dioxide (airborne, unbound particles of respirable size)
in Personal Care Products (cosmetics, sunscreen, skincare products) in Powder Form**

30.	gloProfessional 600 West Bayaud Avenue Denver, CO 80223	gloMinerals SPF 30 Powder – Translucent glo Minerals Matte Finishing Powder	
31.	Stila Cosmetics 111 West Wilson Avenue Glendale, CA 91203-2605	Stila Set & Illuminate Baked Powder Trio	
32.	Sunday Riley 4010 Blue Bonnet Blvd. Houston, TX 77025	Sunday Riley Soft Focus Finishing Loose Powder	
33.	Illamasqua LTD. 6-8 Amwell Street London, UK EC1R1UQ	Illamasqua Powder Eye Shadow Illamasqua Loose Powder Translucent Powder	
34.	Benefit San Francisco 225 Bush Street, 20 th Floor San Francisco, CA 94104	Benefit Longwear Powder Shadow Benefit hoola bronzing powder	
35.	Urban Decay Cosmetics, LLC 833 West 16 th Street Newport Beach, CA 92663	Urban Decay Moondust Eyeshadow	
36.	Dolce & Gabbana USA Inc. 148 Lafayette Street New York, NY 10013-3115	Dolce & Gabbana Illuminator Glow Illuminating Powder	
37.	Anastasia Beverly Hills 11933 Wilshire Blvd. Los Angeles, CA 90025	Anastasia Brow Powder Duo	
38.	Becca, Inc. 122 Ninth Street San Francisco, CA 94103	Becca Mineral Bronzing Powder	
39.	Kat Von D, Inc. P.O. Box 5955 Sherman Oaks, CA 91413	Kat Von D Everlasting Blush	
40.	Lorac Cosmetics, Inc. 29025 Penn Avenue Valencia, CA 91355	Lorac TANTalizer Highlighter & Matte Bronzer Duo	
41.	Charlotte Ronson Cosmetics 1071 Avenue of the Americas, Suite 301 New York, NY 10018	Charlotte Ronson 3XA Charm Luminizer, Blush, Bronzer	
42.	Pur Minerals, Inc. 3715 Northside Parkway, NW Building 200, Suite 200 Atlanta, GA 30317	Pur Minerals All Over Glow Face & Body Bronzer 4-in-1 Pressed Mineral Makeup Foundation With SPF 15	
43.	Dr. Hauschka Skin Care 20 Industrial Drive East South Deerfield, MA 01373	Dr. Hauschka Bronzing Powder	
44.	Josie Maran Cosmetics, LLC 360 Hamilton Avenue, Suite 100 White Plains, NY 10601	Josie Maran Argan Brightening Bronzer Sun Spot Corrector	

EXHIBIT A

June 12, 2013, Notice of Violation

**Titanium Dioxide (airborne, unbound particles of respirable size)
in Personal Care Products (cosmetics, sunscreen, skincare products) in Powder Form**

45.	Too Faced Cosmetics, LLC 17595 Harvard Ave., Ste C-503 Irvine, CA 92614	Too Faced Peach Leopard Brightening & Perfecting Bronzer	
46.	Arcona, Inc. 28745 West Industry Drive Valencia, CA 91355	ARCONA Nearly Invisible SPF 30 Dry Mineral Powder	
47.	Innovative Skincare 3333 N. San Fernando Blvd. Burbank, CA 91504	60iS Clinical SPF 20 Powder Sunscreen – Translucent	
48.	NUXE 2001 Tyler Street, Suite 212 Hollywood, FL 33020-4578	NUXE Multi-Usage Compact Bronzing Powder	
49.	CosmecuTechs, LLC 7489 Whitepine Road North Chesterfield, VA 23237-2268	PRIORI® CoffeeBerry® Perfecting Minerals Foundation SPF 25	
50.	XEN Products and Marketing, Inc. 5108 Sky Lane Drive Plano, TX 75093-7539	XEN-TAN Perfect Bronzer	
51.	Cargo Cosmetics Corporation 1440 Don Mills Road, Suite 102 Toronto, ON M3B 3M1	Cargo Bronzer-Medium	
52.	Napoleon Perdis Cosmetics, Inc. 6906 Hollywood Blvd., 2 nd Floor Hollywood, CA 90028	Napoleon Perdis Mosaic Blushing Powder w/Puff	
53.	Vincent Longo Cosmetics, Inc. 544 West 27 th Street, 3 rd Floor New York, NY 10001	Vincent Longo Pressed Face Powder – Café Creme	
54.	Clarins USA Inc. 110 East 59 th Street, 36 th Floor New York, NY 10022-1304	Clarins Everlasting Compact Foundation SPF 15	
55.	DermaQuest™, Inc. 1600 Delta Court Hayward, CA 94544	DermaQuest Skin On-the-Go Finishing Powder	
56.	Indian Earth Cosmetics 2967 Randolph Avenue Costa Mesa, CA 92626	Indian Earth "Original" Makeup Powder Indian Earth Original Pressed Powder Compact	
57.	DuWop Cosmetics/Lola Cosmetics 9663 Santa Monica Blvd. Beverly Hills, CA 90210-4303	DuWop Crush Heavy Metal Metallic Eyeshadow	
58.	Dianne Brill Cosmetics 575 Madison Avenue New York, NY 10022-2511	Dianne Brill Eye Lingerie Eyeshadow – Metallic Lace	
59.	Yves Saint Laurent America, Inc. 50 Hartz Way Secaucus, NJ 07094	Semi-Loose Powder Natural Radiance (Poudre Sur Mesure)	
60.	Bobbi Brown Professional Cosmetics Services, Inc. 7 Corporate Center Drive Melville, NY 11747	Bobbi Brown Skin Foundation Mineral Makeup SPF 15	

Cosmetics & Toiletries

PCPC Urges Action on TiO₂'s Prop 65 Listing

Posted: January 10, 2011

page 2 of 2

Gov. Brown's transition team includes: Ken Paul Alex, supervising deputy AG, Office of the Attorney General, Tel: 1-510-622-2137; and Cliff Rechtschaffen, supervising deputy AG, Office of the Attorney General, Tel: 1-510 622-2260.

Copyright © 2013 [Allured Business Media](#). All rights reserved. | [Privacy Policy](#) | [Legal Terms](#)