

60 DAY NOTICE OF VIOLATION

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

DATE: June 22, 2013
To: Target Brands, Inc.; E.T. Browne Drug Co.; Petco Animal Supplies, Inc.; John Paul Products LLC; United Pet Group Inc.; PH Beauty Labs, Inc.; CVS Pharmacy, Inc.; Vogue International; Reckitt Benckiser, Inc.; Ultimark Products LLC; Lake Consumer Products, Inc.; Walgreen Co.; Chattem, 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: Shefa LMV, LLC

I. INTRODUCTION

Our name is Shefa LMV, LLC. We are citizens and a Limited Liability Company of the State of California acting in the interest of the general public. We 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 VI, Exhibit A
Listed Chemical:	Coconut Oil Diethanolamine Condensate, aka Cocamide Diethanolamine of Cocamide-DEA
Routes of Exposure:	Touch, Oral
Types of Harm:	Carcinogen

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 **June 22, 2013** 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, bathing their bodies, their pets or their children. Exposure in the line of occupation can be in a salon-type setting or pet grooming, or any similar occupation. Exposure may continue to occur for a significant period after the initial contact because it may be absorbed through pores in the skin. These activities cause men, women, pregnant women, children and infants to be exposed directly through migration of the listed chemical from the products. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as carcinogens.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to our counsel’s offices at the following address:

Daniel N. Greenbaum, Esq.
1467 South Holt Avenue #2
Los Angeles, CA 90035
Phone: 310.200.2631
Email: danielgreenbaumesq@gmail.com

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, we 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 Coconut Oil Diethanolamine Condensate 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 counsel nor we 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. EXHIBIT A

Identified below are specific examples of products 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. We 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.

<u>Product Category</u>	<u>Specific Product¹</u>	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Shampoo	Palmer's Coconut Oil formula w/ vitamin E	010181033056	Target	E.T. Browne Drug Co.
Shampoo	Palmer's Olive Oil formula w/ vitamin E	010181025938	Target	E.T. Browne Drug Co.
Pet Shampoo	Whitening conditioning shampoo	800443119488	Petco	Petco Animal Supplies, Inc.

¹ The specific example identified above is of the type of product which is the subject of this Notice. We are 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 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” 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.

<u>Product Category</u>	<u>Specific Product¹</u>	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Pet Shampoo	Tearless shampoo for puppies	800443119464	Petco	Petco Animal Supplies, Inc.
Pet Shampoo	Shed control conditioning shampoo	800443119501	Petco	Petco Animal Supplies, Inc.
Pet Shampoo	Oatmeal conditioning Shampoo	800443119495	Petco	Petco Animal Supplies, Inc.
Pet Shampoo	Tea Tree Shampoo	876065100128	Petco	John Paul Products LLC
Pet Shampoo	Super Bright Shampoo	876065100111	Petco	John Paul Products LLC
Pet Shampoo	Perfect Coat tender care puppy	026851006183	Petco	United Pet Group Inc.
Pet Shampoo	Perfect Coat Natural oatmeal	026851006206	Petco	United Pet Group Inc.
Pet Shampoo	Perfect Coat White Pearl	026851006428	Petco	United Pet Group Inc.
Pet Shampoo	Perfect Coat Black Pearl	026851006404	Petco	United Pet Group Inc.
Pet Shampoo	Perfect Coat shed control	026851006367	Petco	United Pet Group Inc.
Shampoo	Freeman Papaya and Lime	072151500005	CVS	PH Beauty Labs, Inc.
Body Wash	Fresh Body Wash	050428152621	CVS	CVS Pharmacy, Inc.
Body Wash	Romance body wash	050428152614	CVS	PH Beauty Labs, Inc.
Body Wash	Tranquil body wash	050428152607	CVS	CVS Pharmacy, Inc.
Body Wash	Escape body wash	050428152638	CVS	PH Beauty Labs, Inc.
Body Wash	Energize body wash	050428406243	CVS	PH Beauty Labs, Inc.
Body Wash	Comfort body wash	050428444146	CVS	CVS Pharmacy, Inc.
Shampoo	Ever Straight Brazilian Keratin therapy	022796916013	CVS	Vogue International
Pet Shampoo	Oatmeal shampoo for cats and dogs	050428135204	CVS	CVS Pharmacy, Inc.
Hand Soap	Anti bacterial hand soap	01931127	Walgreens	Reckitt Benckiser, Inc.
Shampoo	Prell shampoo	855093430131	Walgreens	Ultimark Products LLC.
Shampoo	MG217 psoriasis medicated conditioning shampoo	012277502088	Walgreens	Lake Consumer Products, Inc.
Shampoo	bioinfusion critical care shampoo	049022602090	Walgreens	Walgreens Co.
Shampoo	bioinfusion curl nourishment shampoo	049022601963	Walgreens	Walgreens Co.
Shampoo	Selsun Blue maximum strength	041167606322	Walgreens	Chattem, Inc.
Shampoo	Selsun Blue 2-in-1 maximum strength	041167165249	Walgreens	Chattem, Inc.
Hand Soap	Nice! Dishwashing liquid green apple	049022640030	Walgreens	Walgreens Co.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:
1467 S Holt Ave #2 Los Angeles CA 90035

A true and Correct copy of the foregoing document entitled **60 Day Notice of Violation** will be served or was served in the manner stated below (listing a name and date of service means that entity was served no later than 24 hours of the date listed):

I. Interested Parties (Served via Certified Mail): On June 23, 2013, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, Certified mail, postage prepaid, and addressed as follows:

Target Corporation, Attn: General Counsel, 1000 Nicollet Mall, TPS-2672 Minneapolis, MN 55403
E.T. Browne Drug Co., Attn: Legal, 440 SYLVAN AVE., ENGLEWOOD CLIFFS, NJ 07632
Petco Animal Supplies, Inc., Attn: Legal, 9125 Rehco Road, San diego, CA 92121
John Paul Products LLC, Attn: Legal, 1183 Pittsfield Ln, Ventura, CA 93001
United Pet Group Inc., Attn: Legal, 7794 Five Mile Rd Ste 190, Cincinnati, OH 45230
PH Beauty Labs, Inc., Attn: Legal, 1964 Westwood Blvd, Ste 300, Los Angeles, CA 90025
CVS Pharmacy, Inc., Attn: Legal, 1 CVS Drive, Woonsocket, RI 02895
Vogue International, Attn: Legal, 4027 Tampa Road, Oldsmar FL 34677
Reckitt Benckiser, Inc., Attn: Legal, 399 Interpace Parkway, Parsippany, NJ 07054
Ultimark Products LLC, Attn: Legal, 2250 Hickory Rd., Suite 150, Plymouth Meeting, PA 19462
Lake Consumer Products, Inc., Attn: Legal, 1 Pharmacal Way, Jackson, WI 53037
Walgreens Co., Attn: Legal, 200 Wilmot Rd., Deerfield IL 60015
Chattem, Inc., Attn: Legal, 1715 West 38th Street, Chattanooga TN 37409

II. California Attorney General (via website Portal): On June 23, 2013, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General’s website.

III. District and City Attorneys (via U.S. Mail): On June 23, 2013, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows

See attached pages for full service list

IV. District Attorneys (via Email): On June 23, 2013, I visited the Attorney General’s website and found the following District Attorneys and their email address listed. In accordance with Cal. Code Regs., tit. 27, § 25903(c)(1), I served a true and correct copy of the forgoing document as a PDF attached to the following persons and/or entities via email with a subject line reading “Proposition 65 Notice of Violation”

- Lon Wixson**, Deputy District Attorney: lwixson@contracostada.org
- Dije Ndreu**, Deputy District Attorney: Prop65DA@co.monterey.ca.us
- Gary Lieberstein**, District Attorney: CEPD@countyofnapa.org
- Paul E. Zellerbach**, District Attorney: Prop65@rivcoda.org
- Karyn Sinunu-Towery**, Assistant District Attorney: epu@da.sccgov.org
- Stephan R. Passalacqua**, District Attorney: jbarnes@sonoma-county.org
- Birgit Fladager**, District Attorney: Prop65@standa.org
- Phillip J. Cline**, District Attorney: Prop65@co.tulare.ca.us
- Gregory D. Totten**, District Attorney: daspecialops@ventura.org

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

June 23, 2013

Daniel N. Greenbaum, Esq.

Date

Printed Name



Signature

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

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

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AMADOR COUNTY
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Los Angeles, CA 90012

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CITY OF SAN DIEGO
1200 Third Avenue, 3rd Floor
San Diego, CA 92101

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City Attorney
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San Jose, CA 95113

Dennis J. Herrera
City Attorney
CITY OF SAN FRANCISCO
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

(2) I am the attorney for the noticing party.

(3) 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 alleged exposure to the listed chemical that is the subject of the action.

(4) Based on the information obtained through those consultations, and on all 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 plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

(5) The copy of this 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 and Safety Code section 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.

June 23, 2013

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature