

60 DAY NOTICE OF VIOLATION

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

DATE: July 1, 2013
To: Ross Stores, Inc.; Rudy Profumi srl; Home and Body Co.; Added Extras LLC; TPR Holdings LLC; Baylis & Harding PLC; Jakenna Cosmetics Inc.; Alessandra Collection s.a.s.; ENCHANTE ACCESSORIES INC; Blissworld LLC; The House of Paws LTD; Billy Jealousy, LLC; The TJX Companies, Inc.; Dennis East International LLC; Method Products, Inc.; Doggone Gorgeous; Grace Cole Ltd.; Scottish Fine Soaps Ltd.; Jocott Brands, Inc.; The Somerset Toiletry Company; Commonwealth Soap and Toiletries; Luxo Laboratories LTD, Pacifica Skincare; The Cape Town Toiletry Co.; Rich Brands LLC; Spa de Soleil Manufacturing, Inc.; Crabtree & Evelyn Ltd.; Harbor srl; 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>
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¹ 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 our 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

<u>Product Category</u>	<u>Specific Product¹</u>	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Shampoo	Curly Hair Shampoo	8008860018182	Ross	Rudy Profumi srl
Shampoo	Olive Oil Shampoo Lavender		Ross	Home and Body Co.
Bubble Bath	Angry Birds Berry Blast Bubble Bath	734418701258	Ross	Added Extras LLC
Shower Gel	Zirh Alexander the Great	679614002061	Ross	TPR Holdings LLC
Hand Wash	Verbena Hand Wash		Ross	Home and Body Co.
Shampoo	Olive Shampoo	7290102247943	Ross	TPR Holdings LLC
Bath Foam	Wild Rose & Raspberry leaf	017854035072	Ross	Baylis & Harding Plc
Shower Gel	Pineapple & Kiwi	8008860019455	Ross	Rudy Profumi srl
Hand Wash	Organic Home Lemon hand Wash		Ross	Jakenna Cosmetics Inc.
Shampoo	Joc Care rehydrating Shampoo	8011798002567	Ross	Alessandra Collection s.a.s.
Shampoo	Nourishing Shampoo	8008860018199	Ross	Rudy Profumi srl
Shower Gel	Sleep therapy Lavender honey		Ross	ENCHANTE ACCESSORIES INC
Body Wash	Bliss Super Minty soapy suds body wash	651043015454	Ross	Blissworld L.L.C.
Pet Shampoo	Calming Chamomile	729016257689	Ross	ENCHANTE ACCESSORIES INC
Shampoo	1Punto6 New Generation Shampoo	8008860017468	Ross	Rudy Profumi srl
Pet Shampoo	Mellow Mago	5060316041147	Marshalls	The House of Paws LTD
Shower Gel	Zirh Charlemagne Cooling Icy Scent	679614002085	Marshalls	TPR Holdings LLC
Shower Gel	Zirh Cyrus Persian Ruler	679614002092	Marshalls	TPR Holdings LLC
Hand Soap	Fig.77 Soap Society		Marshalls	Home and Body Co.
Body Wash	Amber Rose Olive Leaf Olive oil		Marshalls	Home and Body Co.
Shave Cream	Billy Jealousy Hydroplane	181044000017	Marshalls	Billy Jealousy, LLC
Pet Shampoo	Coconut Lime Verbena	747552454010	Marshalls	Dennis East International LLC
Hand Soap	method daffodil bouquet	817939012376	Marshalls	Method Products, Inc.
Pet Shampoo	DGG Express Spa 2-in-1 shampoo & Conditioner	9328324040382	Marshalls	Doggone Gorgeous
Hand Soap	Raspberry Lime		Marshalls	Home and Body Co.
Hand Soap	English Rose		Marshalls	Home and Body Co.
Hand Soap	Watermelon & Pink Grapefruit	5060194939048	Marshalls	Grace Cole Ltd
Pet Shampoo	Green tea and Mint Conditioning Shampoo	747552453983	Marshalls	Dennis East International LLC
Hand Soap	Honey bee Crème Handwash	5016365001014	Marshalls	Scottish Fine Soaps Ltd
Shampoo	Argan Magic Shine Boosting Shampoo	605923470550	Marshalls	Jocott Brands, Inc.

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.

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 July 1, 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:

ROSS STORES, INC.	Attn: LEGAL DEPT.	4440 ROSEWOOD DRIVE	PLEASANTON	CA	94588
The TJX Companies, Inc.	Attn: LEGAL DEPT.	770 Cochituate Road	Framingham	CA	01701
Rudy Profumi srl	Attn: LEGAL DEPT.	Via Einstein 2/4	Assago	Italy	20090
Home and Body Co.	Attn: LEGAL DEPT.	18352 ENTERPRISES LN	HUNTINGTON BEACH	CA	92648
Added Extras LLC	Attn: LEGAL DEPT.	1400 Broadway	New York	NY	10018
TPR Holdings LLC	Attn: LEGAL DEPT.	950 3rd Avenue 3F	New York	NY	10022
Baylis & Harding Plc	Park Farm Industrial Estate	Nash Rd	Worcestershire	UK	B98 7AS
Alessandra Collection s.a.s.	Indicod-Ecr	Via Pietro Paleocapa 7	Milano	Italy	20121
ENCHANTE ACCESSORIES INC	Attn: LEGAL DEPT.	4 EAST 34TH ST	New York	NY	10016
Blissworld L.L.C.	Attn: LEGAL DEPT.	75 Varick Street, 10th Floor	New York	NY	10013
The House of Paws LTD	DINGHILLS FARM OAKHAM RD	SOMERBY, MELTON MOWBRAY	LEICESTERSHIRE	UNITED KINGDOM	LE14 2QF
Billy Jealousy, LLC	Attn: LEGAL DEPT.	2140 COMMERCE STREET	Dallas	TX	75201
Dennis East International LLC	Attn: LEGAL DEPT.	221 Willow St.	Yarmouth Port	MA	02675
Method Products, Inc.	Attn: LEGAL DEPT.	637 Commercial St Ste 300	San Francisco	CA	94111-6514
Doggone Gorgeous	Attn: LEGAL DEPT.	50 Rouse St.	Port Melbourne	Australia	3207
Grace Cole Ltd	2 Oakwater Ave.	Cheadle Royal, Fremantle House	Cheadle	UNITED KINGDOM	SK8 3SR
Scottish Fine Soaps Ltd	Attn: LEGAL DEPT.	North Main Street	Carronshore Falkirk	Scotland UK	FK2 8HT
Jocott Brands, Inc.	Attn: LEGAL DEPT.	16217 Kittridge St.	Van Nuys	CA	91406
The Somerset Toiletry Company	Attn: LEGAL DEPT.	Clutton Hill Industrial Estate, King Lane	Clutton Bristol	United Kingdom	BS39 5QQ
Commonwealth Soap and Toiletries	Attn: LEGAL DEPT.	661 QUEQUECHAN STREET	FALL RIVER	MA	02721
Luxo Laboratories LTD	Attn: LEGAL DEPT.	100 Dundas St West	Toronto	Ontario M5G 1C3	Canada
Pacific Skincare	Attn: LEGAL DEPT.	P.O. Box 109675	Newmarket	Auckland	New Zealand
The Cape Town Toiletry Co.	Attn: LEGAL DEPT.	120 Capricorn Dr.	Capricorn Park, Muizenberg	7948 Cape Town	South Africa
Rich Brands LLC	Attn: LEGAL DEPT.	240 Viceroy Road	Concord	Ontario	L4K 3N9
Rich Brands LLC	Attn: LEGAL DEPT.	2394 E CAMELBACK RD.	Phoenix	AZ	85016
Spa de Soleil Manufacturing, Inc.	Attn: LEGAL DEPT.	10443 Arminata St	Sun Valley	CA	91352
Crabtree & Evelyn Ltd.	Attn: LEGAL DEPT.	P O Box 167	Woodstock Hill	CT	06281
Harbor srl	Attn: LEGAL DEPT.	Via del Progresso 17-Ponte	Rizzoli	Ozzano dell'Emilia 40064	Italy

II. California Attorney General (via website Portal): On July 1, 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 July 1, 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


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.

July 1, 2013

Daniel N. Greenbaum, Esq.

Date

Printed Name


Signature

District Attorney
ALAMEDA COUNTY
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Oakland, CA 94612

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Riverside, CA 92501

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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.

July 1, 2013

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature