

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Coconut Oil Diethanolamine Condensate (Cocamide Diethanolamine)
in Shampoo and Liquid Soaps Such as Hand Soap, Body Wash and Bubble Bath

July 15, 2013

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 June 22, 2013, are continuing to this day and will continue to occur as long as the products subject to this Notice of Violation are sold to California consumers.
- 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 name of the listed chemical involved in these violations is coconut oil diethanolamine condensate (cocamide diethanolamine) (hereinafter, "cocamide DEA"). Exposures to cocamide DEA occur from use of the products identified in this Notice of Violation.
- Type of Products: The specific type of products causing this violation is shampoo and liquid soaps such as hand soap, body wash and bubble bath (the "Products"). Non-exclusive examples of this specific type of product are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to cocamide DEA. Use of the Products identified in this Notice results in human exposures to cocamide DEA. The Products contain cocamide DEA as an intentionally added ingredient. The routes of exposure for the violations include dermal absorption and ingestion by consumers (including children). These exposures occur through the reasonably foreseeable use of the Products when, for example, individuals apply the Products to their hair, scalp or skin. No clear and reasonable warning is provided with these Products regarding the exposures

to cocamide DEA caused by ordinary use of the Products.

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 cocamide DEA 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 Mark N. Todzo (mtodzo@lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
July 15, 2013 Notice of Violation
Cocamide DEA in Shampoo and Liquid Soaps
Such as Hand Soap, Body Wash and Bubble Bath

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
99 Cents Only Stores 4000 Union Pacific Ave. City of Commerce, CA 90023	Dermasil Extra Moisturizing Hand Wash	SKU No. 8-34576-00251-5
	La Bella Professional Formula Placenta and Vitamin E Moisturizing Shampoo with Panthenol	SKU No. 0-76973-95106-9
	Despicable Me Tickled Pink Rose Bonbon Hand Wash	SKU No. 0-59338-12148-2
AFAM Concept, Inc. 126 Kraml Drive Burrige, IL 60527	Vitale Neutralizing Shampoo	UPC No. 7-25509-53414-5
BioCare Labs, Inc. 5202 West 70 th Place Bedford Park, IL 60638	AtOne With Nature Plant Extracts & Moroccan Argan Oil Dry, Itchy Scalp Shampoo	SKU No. 00-51295-16758-9
E.T. Browne Drug Co., Inc. 440 Sylvan Avenue Englewood Cliffs, NJ 07632	Palmer's Coconut Oil Formula Conditioning Shampoo	SKU No. 0-10181-03300-1
Fantasia Industries Corporation 20 Park Place Paramus NJ 07652	Fantasia Hair Polisher Shampoo with "Sparkle Lites"	SKU No. 0-11313-02002-9

<p>Gabel's Cosmetics, Inc. 126 South Avenue, Ste. 18 Los Angeles, CA 90031</p>	<p>Nutress Hair Protein Pack Treatment Shampoo</p>	<p>SKU No. 8-95740-00208-3</p>
<p>Golden Sun, Inc. dba Newhall Laboratories, Inc. 5 High Ridge Park, Suite 100 Stamford, CT 06905</p> <p>Golden Sun, Inc. dba Newhall Laboratories, Inc. 26529 Ruether Avenue Santa Clarita, CA 91350</p>	<p>La Bella Professional Formula Placenta and Vitamin E Moisturizing Shampoo with Panthenol</p>	<p>SKU No. 0-76973-95106-9</p>
<p>Grandall Distributing Co., Inc. 321 El Bonito Avenue Glendale, CA 91204</p>	<p>Cabellina Shampoo Chile Con Romero</p>	<p>SKU No. 0-48201-01893-6</p>
<p>Grisi Hnos., S.A. de C.V. Amores 1746 Col. Del Valle 03100 Ciudad de México, D.F. Mexico</p>	<p>Ricitos de Oro Manzanilla Chamomile Baby Shampoo</p>	<p>SKU No. 0-37836-00028-7</p>
<p>Inspired Beauty Brands, Inc. 277 Northern Boulevard Great Neck, NY 11021</p>	<p>Lustrasilk's Luxury Care 3 Plus Frizz Control Shampoo</p>	<p>SKU No. 0-74208-50905-4</p>
<p>Inter American Cosmetics, Inc. 300-3 Suite 3, Route 17 South Lodi, NJ 07644</p> <p>Rise International Group LLC 300-3 Suite 3, Route 17 South Lodi, NJ 07644</p>	<p>Dermasil Extra Moisturizing Hand Wash</p>	<p>SKU No. 8-34576-00251-5</p>
<p>John Paul Mitchell Systems, Inc. 20705 Centre Pointe Parkway Saugus, CA 91350</p>	<p>Paul Mitchell Tea Tree Special Shampoo</p>	<p>SKU No. 9-53111574-0</p>

<p>Johnson Products Co., Inc. 400 S. Zang Blvd. #1305 Dallas, TX 75206</p>	<p>Sensitive By Nature Calm Cleanse Conditioning Shampoo</p>	<p>SKU No. 021490</p>
<p>Kmart Corporation 3333 Beverly Road Hoffman Estates, IL 60179</p>	<p>Cabellina Shampoo Chile Con Romero</p>	<p>SKU No. 0-48201-01893-6</p>
	<p>Image Essentials Medicated Treatment with Menthol Dandruff Shampoo</p>	<p>SKU No. 0-72000-72226-8</p>
<p>Laboratoires Delon, Inc. 69 Boulevard Brunswick Montréal, Québec, H9B 2N4 Canada</p>	<p>Despicable Me Tickled Pink Rose Bonbon Hand Wash</p>	<p>SKU No. 0-59338-12148-2</p>
<p>Lush Handmade Cosmetics Ltd. 8365 Ontario Street, Suite 120 Vancouver, BC Canada V5X 3E8</p> <p>Lush Manufacturing Ltd. 8365 Ontario Street, Suite 120 Vancouver, BC Canada V5X 3E8</p>	<p>Fair Trade Honey Shampoo</p>	<p>SKU No. 6-84742-03768-7</p>
<p>Luster Products, Inc. 1104 West 43rd Street Chicago, IL 60609</p>	<p>Luster's Pink Conditioning Shampoo</p>	<p>SKU No. 0-38276-00572-6</p>
<p>M&M Products Company 1355 Terrell Mill Road Building 1480, Suite 100 Marietta, GA 30067</p>	<p>Sofn'Free N'Pretty Shea Butter Shampoo</p>	<p>SKU No. 6-12831-05209-9</p>

<p>Murray's Worldwide, Inc. 1100 Woodward Heights Ferndale, MI 48220</p>	<p>Parnevu for Extra-Dry Hair Salon Shampoo</p>	<p>SKU No. 7-94258-00200-7</p>
<p>Nunaat, Inc. 201 S. Bicyane Blvd. Suite 1200 Miami, FL 33131</p>	<p>nuNAAT Treatment Curly Hair Moisturizing Shampoo with Keratin & Cupuacu Butter</p>	<p>SKU No. 7-898450-870310</p>
<p>Ouidad Holdings LLC 41-B Eagle Road Danbury, CT 06810</p> <p>Ouidad Products, LLC 41-B Eagle Road Danbury, CT 06810</p>	<p>Ouidad Climate Control Defrizzing Shampoo</p>	<p>SKU No. 8-14591-01079-5</p>
<p>Safeway Inc. 5918 Stoneridge Mall Road Pleasanton, CA 94588</p>	<p>Sunflower & Coconut Detangling Conditioning Shampoo</p>	<p>SKU No. 0-75724-23789-6</p>
<p>Sephora USA, Inc. First Market Tower 525 Market Street, 32nd Floor San Francisco, CA 94105</p>	<p>Ouidad Climate Control Defrizzing Shampoo</p>	<p>SKU No. 8-14591-01079-5</p>
<p>Strength of Nature Global, LLC 64 Ross Road Savannah, GA 31405</p>	<p>Protectiv Mega Growth Anti-Breakage Neutralizing Shampoo Gel</p>	<p>SKU No. 8-02535-00136-7</p>
<p>Target Corporation 1000 Nicollet Mall, TPS 2672 Minneapolis, MN 55403</p>	<p>Medicated Shampoo Selenium Sulfide Dandruff Shampoo</p>	<p>SKU No. 0-72785-10808-0</p>

<p>Universal Beauty Products, Inc. 500 Wall Street Glendale Heights, IL 60139</p>	<p>African Essence Neutralizing Shampoo Plus Proteins and Conditioners</p>	<p>SKU No. 0-46817-68109-3</p>
	<p>Via Natural Style Moisturizing Conditioning Shampoo</p>	<p>SKU No. 0-46817-68337-1</p>
<p>Walgreen Co. 300 Wilmot Road, MS 3301 Deerfield, IL 60015</p>	<p>Ricitos de Oro Manzanilla Chamomile Baby Shampoo</p>	<p>SKU No. 0-37836-00028-7</p>

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Victoria Hartanto, 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.

July 15, 2013



Victoria Hartanto
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 cfisher@lexlawgroup.com.

On July 15, 2013, 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 2:24 P.m. on July 15, 2013:

Lon Wixson, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
lwixson@contracostada.org

Dije Ndreu, Deputy District Attorney
Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Karyn Sinunu-Towery,
Assistant District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

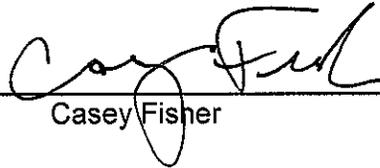
Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

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 July 15, 2013, at San Francisco, California.

Signed: _____

A handwritten signature in black ink, appearing to read "Casey Fisher", is written over a horizontal line. The signature is cursive and somewhat stylized.

Casey Fisher

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

District Attorney of Mariposa
County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney of Orange
County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240
Roseville, CA 95678

District Attorney of Plumas
County
520 Main Street, Rm. 404
Quincy, CA 95971

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito
County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San
Francisco County
850 Bryant Street, Rm. 325
San Francisco, CA 94103

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis
Obispo County
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

District Attorney of San Mateo
County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Santa Cruz
County
701 Ocean Street, Rm. 200
Santa Cruz, CA 95060

District Attorney of Santa Barbara
County
Attn: Jerry Lule-Jian
312-D E. Cook Street
Santa Maria, CA 93454

District Attorney of Shasta County
1355 West Street
Redding, CA 96001

District Attorney of Sierra County
Courthouse
100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 310
11 Court Street
Weaverville, CA 96093

District Attorney of Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Rm. 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 Third Avenue, Ste. 1620
San Diego, CA 92101

San Francisco City Attorney's
Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

Richard Anicetti, CEO*
99 Cents Only Stores
4000 Union Pacific Ave.
City of Commerce, CA 90023

Akhtar Ali, President*
AFAM Concept, Inc.
126 Kraml Drive
Burr Ridge, IL 60527

Rashid A. Chaudary, President*
BioCare Labs, Inc.
5202 West 70th Place
Bedford Park, IL 60638

Robert C. Neis, President*
E.T. Browne Drug Co., Inc.
440 Sylvan Avenue
Englewood Cliffs, NJ 07632

Paul Bogosian, President*
Fantasia Industries Corporation
20 Park Place
Paramus NJ 07652

Stephen Miller, President*
Gabel's Cosmetics, Inc.
126 South Avenue, Ste. 18
Los Angeles, CA 90031

Lee Feldman, CEO*
Golden Sun, Inc.
dba Newhall Laboratories, Inc.
5 High Ridge Park, Suite 100
Stamford, CT 06905

Lee Feldman, CEO*
Golden Sun, Inc.
dba Newhall Laboratories, Inc.
26529 Ruether Avenue
Santa Clarita, CA 91350

Jose M. Granda, President*
Grandall Distributing Co., Inc.
321 El Bonito Avenue
Glendale, CA 91204

President*
Grisi Hnos., S.A. de C.V.
Amores 1746
Col. Del Valle
03100 Ciudad de México, D.F.
Mexico

Sam Maniaci, CEO*
Inspired Beauty Brands, Inc.
277 Northern Boulevard
Great Neck, NY 11021

Kevin Schlusser, President*
Inter American Cosmetics, Inc.
300-3 Suite 3, Route 17 South
Lodi, NJ 07644

President*
Rise International Group LLC
300-3 Suite 3, Route 17 South
Lodi, NJ 07644

John Paul Dejoria, CEO*
John Paul Mitchell Systems, Inc.
20705 Centre Pointe Parkway
Saugus, CA 91350

John Paul Dejoria, CEO*
John Paul Mitchell Systems, Inc.
9701 Wilshire Blvd., Suite 1205
Beverly Hills, CA 90212

Eric Brown, CEO*
Johnson Products Co., Inc.
400 S. Zang Blvd. #1305
Dallas, TX 75206

Louis J. D'Ambrosi, CEO*
Kmart Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

Sam Sasson, President*
Laboratoires Delon, Inc.
69 Boulevard Brunswick
Montréal, Québec, H9B 2N4
Canada

President or CEO*
Lush Handmade Cosmetics
8365 Ontario Street, Suite 120
Vancouver, BC
Canada V5X 3E8

Mark Wolverton, President*
Lush Manufacturing Ltd.
8365 Ontario Street, Suite 120
Vancouver, BC
Canada V5X 3E8

Jory Luster, President*
Luster Products, Inc.
1104 West 43rd Street
Chicago, IL 60609

Iqbal Kalla, CEO*
M&M Products Company
1355 Terrell Mill Road
Building 1480, Suite 100
Marietta, GA 30067

Arthur Berlin, President*
Murray's Worldwide, Inc.
1100 Woodward Heights
Ferndale, MI 48220

Alexandre Vasto, President*
Nunaat, Inc.
201 S. Bicyane Blvd.
Suite 1200
Miami, FL 33131

Hillary Solomon, President & CEO*
Ouidad Holdings LLC
41-B Eagle Road
Danbury, CT 06810

Hillary Solomon, President & CEO*
Ouidad Products, LLC
41-B Eagle Road
Danbury, CT 06810

President*
Ouidad Products, LLC
89 Putnam Park Road
Bethel, CT 06801

Robert Edwards, CEO*
Safeway Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588

David Suliteanu, President*
Sephora USA, Inc.
First Market Tower
525 Market Street, 32nd Floor
San Francisco, CA 94105

Mario de la Guardia, President*
Strength of Nature Global, LLC
64 Ross Road
Savannah, GA 31405

Gregg W. Steinhafel, President*
Target Corporation
1000 Nicollet Mall, TPS 2672
Minneapolis, MN 55403

Yong Park, President*
Universal Beauty Products, Inc.
500 Wall Street
Glendale Heights, IL 60139

Gregory D. Wasson, President*
Walgreen Co.
300 Wilmot Road, MS 3301
Deerfield, IL 60015