

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 19, 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 19, 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
<p>Added Extras LLC 1400 Broadway, 26th Floor New York, NY 10018</p> <p>Added Extras LLC 115 Kennedy Drive Sayreville, NJ 08872</p>	<p>Lalaloopsy Cotton Candy Bubble Bath</p>	<p>SKU No. 7-34418-45033-0</p>
<p>Alberto-Culver USA, Inc. 2525 Armitage Avenue Melrose Park, IL 60160</p>	<p>Folicuré Dandruff Moisturizing Shampoo</p>	<p>SKU No. 0-15228-13089-7</p>
<p>Avlon Industries, Inc. 1999 N. 15th Ave. Melrose Park, IL 60160</p>	<p>Kera Care Anti-Dandruff Moisturizing Shampoo</p>	<p>SKU No. 7-96708-33010-4</p>
<p>Biolab International Inc. 130 Denison St. Markham, Ontario L3R 1B6 Canada</p>	<p>Pure Passion Coconut Lime Handsoap</p>	<p>SKU No. 400088264781 Batch No. 57-BLO-12</p>
<p>Bliss World LLC 75 Varick Street, 10th Floor New York, NY 10013</p>	<p>Bliss Super Minty Soapy Suds Body Wash + Bubbling Bath</p>	<p>SKU No. 6-51043-01545-4</p>

<p>Blooming Beauty 274 Sun Valley Mall Concord, CA 94520</p>	<p>Moroccanoil Extra Volume Shampoo</p>	<p>SKU No. 7-290011-521738</p>
<p>J. Strickland & Co. dba Nature's Protein Inc. 10420 Desoto Road Olive Branch, MS 38654</p>	<p>Doo Gro Tingling Gro Shampoo with Flaking Control</p>	<p>UPC No. 6-49010-75170-2</p>
<p>I Love Cosmetics Limited 319 Ordsall Lane Manchester, M5 3FT United Kingdom</p>	<p>I love... Vanilla & Ice Cream Bubble Bath and Shower Gel</p>	<p>SKU No. 8-86581-00015-4</p>
<p>JC Penney Corporation, Inc. 6501 Legacy Drive Plano, TX 75024</p>	<p>Organic Cleanse Deep Cleansing Shampoo with Oatmeal Protein</p>	<p>SKU No. 8-75408-00412-3</p>
<p>Kohl's Corporation N56 W17000 Ridgewood Dr Menomonee Falls, WI 53051</p>	<p>Simple Pleasures Mixed Berry Anti-Bacterial Foaming Hand Soap</p>	<p>SKU No. 7-67014-33445-2</p>
	<p>Simple Pleasures Vanilla Rose Bubble Bath</p>	<p>SKU No. 7-67014-15123-3</p>
	<p>Scentsations Berry Burst Shower Gel</p>	<p>SKU No. 0-79625-14791-9</p>

<p>Macy's West Stores, Inc. 7 West 7th Street Cincinnati, OH 45202</p>	<p>Kera Care Anti-Dandruff Moisturizing Shampoo</p>	<p>SKU No. 7-96708-33010-4</p>
<p>Marshalls of CA, LLC 770 Cochituate Rd Framingham, MA 01701</p> <p>Marshalls of MA, Inc. 770 Cochituate Rd Framingham, MA 01701</p>	<p>Zirh Warrior Collection Julius Cesear Refreshing Citrus Scent Concentrated Shower Gel</p>	<p>SKU No. 6-79614-00207-8</p>
<p>McBride Research Laboratory, Inc. 2272 Park Central Boulevard Decatur, GA 30035</p>	<p>Organic Cleanse Deep Cleansing Shampoo with Oatmeal Protein</p>	<p>SKU No. 8-75408-00412-3</p>
<p>Moroccanoil, Inc. 16311 Ventura Blvd., Ste 1200 Los Angeles, CA 91436</p>	<p>Moroccanoil Extra Volume Shampoo</p>	<p>SKU No. 7-290011-521738</p>
<p>Naterra International, Inc. 1200 Lakeside Parkway Building 3, Suite 300 Flower Mound, TX 75028</p>	<p>Olive & Shea Moisturizing Shower Wash in Vanilla Spice</p>	<p>SKU No. 0-75371-02037-7</p>

<p>Ross Stores, Inc. 4440 Rosewood Drive Pleasanton, CA 94588</p>	<p>I love... Vanilla & Ice Cream Bubble Bath and Shower Gel</p>	<p>SKU No. 8-86581-00015-4</p>
	<p>Pure Passion Coconut Lime Handsoap</p>	<p>SKU No. 400088264781 Batch No. 57-BLO-12</p>
	<p>Lalaloopsy Cotton Candy Bubble Bath</p>	<p>SKU No. 7-34418-45033-0</p>
	<p>Bliss Super Minty Soapy Suds Body Wash + Bubbling Bath</p>	<p>SKU No. 6-51043-01545-4</p>
	<p>Olive & Shea Moisturizing Shower Wash in Vanilla Spice</p>	<p>SKU No. 0-75371-02037-7</p>
<p>Sally Beauty Holdings, Inc. 3001 Colorado Blvd. Denton, TX 76210</p> <p>Sally Beauty Supply, LLC 3001 Colorado Blvd. Denton, TX 76210</p>	<p>Doo Gro Tingling Gro Shampoo</p>	<p>SKU No. 6-79010-75170-2</p>

Sears, Roebuck and Co. 3333 Beverly Road Hoffman Estates, IL 60192	Amelie's Garden French Lavender Hand and Body Wash Gift Set	SKU No. 64323114707
	Brompton and Langley Lemon Handwash Gift Set	SKU No. 64323111744
TPR Holdings LLC 950 Third Ave, 3rd Floor New York, NY 10002	Zirch Warrior Collection Julius Caesar Refreshing Citrus Scent Concentrated Shower Gel	SKU No. 6-79614-00207-8
Tri-Coastal Design Group, Inc. 40 Harry Shupe Boulevard Wharton, NJ 07885	Simple Pleasures Mixed Berry Anti-Bacterial Foaming Hand Soap	SKU No. 7-67014-33445-2
	Simple Pleasures Vanilla Rose Bubble Bath	SKU No. 7-67014-15123-3

Upper Canada Soap & Candle Makers Corporation 1510A Caterpillar Road Mississauga, ON Canada L4X 2W9	Amelie's Garden French Lavender Hand and Body Wash Gift Set	SKU No. 0-64323-11174-4
	Brompton and Langley Lemon Handwash Gift Set	SKU No. 0-64323-11470-7

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.

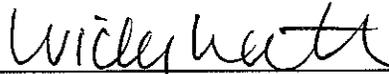
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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 19, 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 jbanister@lexlawgroup.com.

On July 19, 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 3:28 p.m. on July 19, 2013:

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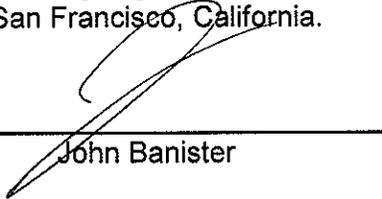
Paul E. Zellerbach, District Attorney
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The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 19, 2013, at San Francisco, California.

Signed: _____


John Banister

SERVICE LIST

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Coordinator and Robert Thomas
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Oakland, CA 94612-0550

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