

60 DAY NOTICE OF VIOLATION

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

DATE: July 31, 2013
To: Vi-Jon Inc.; Method Products, Inc.; Target Corporation; PetSmart, Inc.; United Pet Group Inc.; Pets 'N People, Inc.; Dollar Tree Stores, Inc.; Blue Cross Laboratories Inc.; Softsoap Enterprises Inc. c/o Colgate Palmolive Company; GREENBRIER INTERNATIONAL, INC.; Big Lots Stores, Inc.; Soap Time LLC; Tri-Coastal Design; Gold Sun Inc.; Newhall Laboratories, Inc.; Evergreen Consumer Brands; Swissco, LLC; Olympic Mountain & Marine Products; Sel-Leb Marketing; CRE, LLC; CVS Pharmacy, Inc.; Advanced Healthcare Distributors, LLC; Bolero Home Decor 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.

Product Category	Specific Product ¹	UPC	Retailer	Manufacturer/Distributor
Shampoo	up & up medicated shampoo	072785108080	Target	Vi-Jon Inc.
Hand Soap	method cloudburst	817939013212	Target	Method Products, Inc.
Hand Soap	method tomato vine	817939013199	Target	Method Products, Inc.
Hand Soap	method honeysuckle	817939013205	Target	Method Products, Inc.
Pet Shampoo	Nature's Miracle white bright Coconut milk	018065059246	Petsmart	Pets 'N People, Inc.
Bubble Bath	Iron Man 3 berry blast	041348008013	Dollar Tree Stores, Inc.	Blue Cross Laboratories Inc.
Hand Soap	Softsoap soothing aloe vera	074182270810	Dollar Tree Stores, Inc.	Softsoap Enterprises Inc.
Hand Soap	Softsoap milk & golden honey	074182292546	Dollar Tree Stores, Inc.	Softsoap Enterprises Inc.
Hand Soap	Verv Berry scent	639277110749	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, INC.
Shampoo	Breck Kids watermelon smile	639277151834	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, INC.
Shampoo	Breck Kids Wild coconut	639277826084	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, INC.
Shampoo	Breck Kids Wild coconut	639277151810	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, INC.
Shampoo	Breck Kids Amazing Apple	639277826008	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, INC.
Bubble Bath	Breck Kids Amazing Apple	639277617415	Dollar Tree Stores, Inc.	GREENBRIER INTERNATIONAL, 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.

Product Category	Specific Product¹	UPC	Retailer	Manufacturer/Distributor
Hand Soap	Squid Soap	858383940006	Big Lots Stores	Soap Time LLC
Hand Soap	Lemon Verbena	1458100542272	Big Lots Stores	Tri-Coastal Design
Shampoo	La Bella Lavender Shampoo w/ Aloe Vera	076973365019	Big Lots Stores	Newhall Laboratories, Inc.
Shampoo	Silkience Moisturizing Shampoo	870929003358	Big Lots Stores	Evergreen Consumer Brands
Hand Soap	Meyer lemon	769898366659	Big Lots Stores	Swissco, LLC
Shower Gel	Morgan Childs Ocean Shower Gel	034644333491	Big Lots Stores	Olympic Mountain & Marine Products
Hand Soap	Softsoap Wintermint Wonderland	074182269463	Big Lots Stores	Softsoap Enterprises Inc.
Hand Soap	Professor Goodhabits soap time	858383920053	Big Lots Stores	Soap Time LLC
Hand Soap	Simple Pleasures Fresh Cotton	1451201239484112	Big Lots Stores	Tri-Coastal Design
Hand Soap	Fresh Blueberry	769898363504	Big Lots Stores	Swissco, LLC
Hand Soap	McKav's Relaxing Lavender	769898372513	Big Lots Stores	Swissco, LLC
Hand Soap	Lemongrass Sage	769898363962	Big Lots Stores	Swissco, LLC
Hand Soap	Lilac & Freesia	074182262525	Big Lots Stores	Softsoap Enterprises Inc.
Shampoo	Delfanti-Milano Multi Vitamin	756677533913	Big Lots Stores	CRE, LLC
Shampoo	bioluxe professional collection	050428166659	Big Lots Stores	Advanced Healthcare Distributors, LLC
Hand Soap	McKav's Soothing Vanilla	769898372537	Big Lots Stores	Swissco, LLC

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 31, 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:

Vi-Jon Inc.	Attn: Legal	8515 Page Ave.	Saint Louis	MO	63114
Method Products, Inc.	Attn: Legal	637 Commercial St, Ste 300	San Francisco	CA	94111-6514
Target Corporation	Attn: General Counsel	1000 Nicollet Mall, TPS-2672	Minneapolis	MN	55403
PetSmart, Inc.	Attn: General Counsel	19601 North 27th Avenue	Phoenix	AZ	85027
United Pet Group Inc.	Attn: Legal	7794 Five Mile Rd Ste 190	Cincinnati	OH	45230
Pets 'N People, Inc.	Attn: Legal	1377 Motor Parkway, Ste 100	Islandia	NY	11749
Dollar Tree Stores, Inc.	Attn: General Counsel	500 Volvo Parkway	Chesapeake	VA	23320
Blue Cross Laboratories Inc.	Attn: Legal	20950 CENTRE POINTE PKWY	Santa Clarita	CA	91350
Softsoap Enterprises Inc. c/o Colgate Palmolive Company	Attn: Legal	300 Park Avenue	New York	NY	10022
GREENBRIER INTERNATIONAL, INC.	Attn: Legal	500 VOLVO PKY.	Chesapeake	VA	23320
Big Lots Stores, Inc.	Attn: General Counsel	300 Phillipi Road	Columbus	OH	43228-5311
Soap Time LLC	Attn: Legal	500 San Marcos Street # 201	Austin	TX	78702
Tri-Coastal Design	Attn: Legal	40 Harry Shupe Blvd.	Wharton	NJ	07885
Gold Sun Inc.	Attn: Legal	5 High Ridge Park, Ste. 100	Stamford	CT	06905
Newhall Laboratories, Inc.	Attn: Legal	26529 Ruether Avenue	Santa Clarita	CA	91350
Evergreen Consumer Brands	Attn: Legal	100 Delta Park Blvd.	Brampton	Ontario	L6T 5E7 Canada
Swissco, LLC	Attn: Legal	38 E 32nd St., Floor 12	New York	NY	10016
Olympic Mountain & Marine Products	Attn: Legal	8655 S. 208th Street	Kent	WA	98031
Sel-Leb Marketing	Attn: Legal	495 River Street	Paterson	NJ	07524
CRE, LLC	Attn: Legal	8310 HARCOURT RD.	Clifton	NJ	07013
CVS Pharmacy, Inc.	Attn: General Counsel	1 CVS Drive	Woonsocket	RI	02895
Advanced Healthcare Distributors, LLC	Attn: Legal	9 CAPITOL ST.	Concord	NH	03301
Bolero Home Decor Inc.	Attn: Legal	PO Box 56691	Sherman Oaks	CA	91413
Bolero Home Decor Inc.	c/o John Perlstein	3600 WILSHIRE BLVD STE 1200	LOS ANGELES	CA	90010

II. **California Attorney General (via website Portal):** On July 31, 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 31, 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 31, 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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District Attorney
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891 Mountain Ranch Road
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Colusa, CA 95932

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Martinez, CA 94553

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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.

July 31, 2013

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature