

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

August 7, 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
August 7, 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
Baylis & Harding PLC Nash Road Park Farm Redditch Worcestershire, B98 7AS England	Baylis & Harding England French Lavender Cleansing Hand Wash	SKU No. 09-116-43284142-3
Beauty Palace, Inc. 11795 Ridge Creek Court Cupertino, CA 95014	Big & Bold Hair Plump Volumizing Shampoo	N/A
	ARTec blondes Lemon Flower Color Depositing Shampoo	SKU No. 6-48382-01110-0
Burlington Coat Factory Warehouse Corporation 1830 Route 130 North Burlington, NJ 08016	RRYSpa Sweet Water Bubble Bath	Item No. SJ12043SW
	Skinny Girl Bath Collection Shower Gel in Margarita	SKU No. 09-116-77437541-9
	Peppermint Bubble Bath	SKU No. 09-116-92948484-3
	The Apothecary Bath and Shower Gel Original Formula No. 016 Lemon Verbena	SKU No. 09-116-31901246-1 Style No. ABSGLV
	Baylis & Harding England French Lavender Cleansing Hand Wash	SKU No. 09-116-43284142-3

<p>Daiso California LLC 26523 Daniti Court Hayward, CA 94545</p>	<p>Herb Hand Soap</p>	<p>SKU No. 4-997770-104143</p>
<p>Dermstore LLC 2301 Rosecrans Avenue Suite 2100 El Segundo, CA 90245</p>	<p>Rejuvi "J" Shower Cream</p>	<p>SKU No. 28963 Item No. 623659</p>
	<p>Portico The Revitalizer Cucumber + Grapefruit Body Wash</p>	<p>SKU No. 8-78108-00008-2 Item No. 20104</p>
	<p>Kelly Van Gogh Colour Protecting Caviar Shampoo</p>	<p>SKU No. 8-51138-00268-4 Item No. 42653</p>
<p>Fisk Industries, Inc. 527 Route 303 Orangeburg, NY 10962</p>	<p>Big & Bold Hair Plump Volumizing Shampoo</p>	<p>N/A</p>
<p>International Design Associates Ltd. 228 East 45th Street, 2nd Floor New York, NY 10017</p>	<p>The Apothecary Bath and Shower Gel Original Formula No. 016 Lemon Verbena</p>	<p>SKU No. 09-116-31901246-1 Style No. ABSGLV</p>
<p>Kelly Van Gogh Hair Colour Cosmetics LLC 1221 Ocean Avenue, #305 Santa Monica, CA 90401</p> <p>Kelly Van Gogh, LLC 245 East 93rd Street, Ste 22B New York, NY 10128</p>	<p>Kelly Van Gogh Colour Protecting Caviar Shampoo</p>	<p>SKU No. 8-51138-00268-4 Item No. 42653</p>

<p>L'Oréal USA, Inc. 575 Fifth Avenue New York, NY 10017</p> <p>Michael Leland Ltd. 99 Seaview Blvd. Port Washington, NY 11050</p>	<p>ARTec blondes Lemon Flower Color Depositing Shampoo</p>	<p>SKU No. 6-48382-01110-0</p>
<p>Lotta Luv, LLC 16 East 34th Street, 10th Floor New York, NY 10016</p> <p>Lotta Luv Beauty LLC 1359 Broadway, #17 New York, NY 10018</p>	<p>Skinny Girl Bath Collection Shower Gel in Margarita</p>	<p>SKU No. 09-116-77437541-9</p>
<p>MOR Cosmetics International LLC 10718 Reagan Street Los Alamitos, CA 90720</p>	<p>MOR Lychee Flower Hand & Body Wash</p>	<p>SKU No. 4-29560-43599-0 Item No. 8GBW03</p>
<p>Nordstrom, Inc. 1700 Seventh Avenue Seattle, WA 98101</p>	<p>MOR Lychee Flower Hand & Body Wash</p>	<p>SKU No. 4-29560-43599-0 Item No. 8GBW03</p>
<p>Paris Presents Incorporated 3800 Swanson Court Gurnee, IL 60031</p>	<p>Scentsations Berry Burst Shower Gel</p>	<p>SKU No. 0-79625-14791-9</p>
<p>Portico Acquisition LLC 261 Fifth Avenue, Ste 1501 New York, NY 10016</p>	<p>Portico The Revitalizer Cucumber + Grapefruit Body Wash</p>	<p>SKU No. 8-78108-00008-2 Item No. 20104</p>
<p>Rejuvi Laboratory, Inc. 360 Swift Avenue, Suite 38 South San Francisco, CA 94080</p>	<p>Rejuvi "J" Shower Cream</p>	<p>SKU No. 28963 Item No. 623659</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.

August 7, 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 August 7, 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 1:27 P.m. on August 7, 2013:

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Contra Costa County
900 Ward Street
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Dije Ndreu, Deputy District Attorney
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Karyn Sinunu-Towery,
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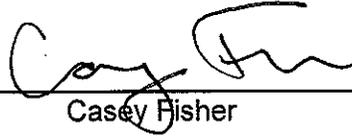
Paul E. Zellerbach, District Attorney
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Riverside, CA 92501
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Gregory D. Totten, District Attorney Ventura
County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

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 August 7, 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 stylized and cursive.

Casey Fisher

SERVICE LIST

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1225 Fallon Street, Rm. 900
Oakland, CA 94612

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San Diego, CA 92101

San Francisco City Attorney's
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San Francisco, CA 94102

San Jose City Attorney's Office
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San Jose, CA 95113

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