

NOTICE OF VIOLATION OF HEALTH AND SAFETY CODE SECTION 25249.6

This is notice that Lush Cosmetics LLC (hereinafter, "the Violator") has violated Health and Safety Code section 25249.6 by (a) selling to consumers shampoos, bubble baths, soaps, and other products (hereinafter, the "Products") containing coconut oil diethanolamine condensate (cocamide diethanolamine) (hereinafter, the "Chemical"), a carcinogen, without first warning those consumers that the Products contain a chemical known to the State of California to cause cancer (consumer products exposure), and (b) exposing its employees who handle, touch, produce, make and manufacture the Products that that they contain a chemical known to the State of California to cause cancer (occupational exposure). The exposures have taken place since June 22, 2013 and continue to this date. The Products containing the Chemical include, but are not limited to, "Karma Komba," "I Love Juicy," "Rehab," "Gentle Lentil," "Ice Blue," "Temple of Truth," "Blue Skies & Fluffy White Clouds," "Fair Trade Honey," "Pop In The Bath," "Marzibain," "Sunny Side," "Daddy-O," "Hot Milk," "Big Shampoo," "Trichomania," "Karma," "Happy Bubble," "Ice Hotel," "The Wuss," "It's A Date," "A French Kiss," "Ma Bar," "Two Timing Tart," "Amandopondo," "The Comforter," "Reincarnate," "Sugar Scrub," "Seanik," "Happy Hippy," "Twilight," "Fizzbanger," "Yuzu and Cocoa," "Rose Jam," "Dragon's Egg," "Green," "Smaragadine," and "Godiva." The locations at which the Products are sold to consumers and at which employees are exposed to the Chemical are 6600 Topanga Canyon Blvd, Canoga Park, CA 91303; 7007 Friars Rd, San Diego, CA 92108; 414 K St, Sacramento, CA 95814; 1416 Stoneridge Mall Rd, Pleasanton, CA 94588; 1404 Third St Promenade, Santa Monica, CA 90401; 249 Newport Center Dr, Newport Beach, CA 92660; 2148 Glendale Galleria, Glendale, CA 91210; 200 E Via Rancho Pkwy, Escondido, CA 92025; 2116 Union St, San Francisco, CA 94120; 412 W Hillcrest Dr, Thousand Oaks, CA 91360; 24 E Colorado Blvd, Pasadena, CA 91105; 14006 Riverside Dr, Sherman Oaks, CA 91423; Pine Inn Complex, NW Corner of Lincoln & Ocean, Carmel, CA 93921; 613 Paseo Nuevo St, Santa Barbara, CA 93101; #144-321 W Katella Ave, Anaheim Garden Walk, CA 92803; 5665 Bay St, Emeryville, CA 94608; #1045-1151 Galleria Blvd, Roseville, CA 95678; 240 Powell St, San Francisco, CA 94102; #147-2855 Stevens Creek Blvd, Santa Clara, CA 95050; 24201 W Valencia Blvd, Valencia, CA 91355; 400 S Baldwin Ave, Arcadia, CA 91007; #143-1000 Universal Center Dr, Universal City, CA 91608. The Products are also sold at www.lushusa.com. This notice is given by Latonia Enge, 4229 Leimert Blvd, Los Angeles, CA 90008; 323-474-4762 (hereinafter, the "Noticing Party"). The Noticing Party's attorney is Morse Mehrban, 15233 Ventura Blvd., Suite 1000, Sherman Oaks, CA 91403; 424-274-1237; morse@mehrban.com. The route of exposure to the Chemical in the Products is dermal contact. The consumer products exposures occur through the foreseeable and intended use of the Products, *i.e.*, their application to the skin, hair, and scalp. The occupational exposures occur when the Violator's employees at said locations make, produce, manufacture, touch, and handle the Products during the course of their employment. To address the issues raised by this notice, you may contact the Noticing Party's attorney.

Dated: August 15, 2013

LAW OFFICES OF MORSE MEHRBAN, A.P.C.

By: 
Morse Mehrban, Attorney for Latonia Enge

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Morse Mehrban, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty-day notice 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.

Dated: August 15, 2013

LAW OFFICES OF MORSE MEHRBAN, A.P.C.

By: *m mehrban*
Morse Mehrban, Attorney for Latonia Enge

CERTIFICATE OF SERVICE

I, the undersigned, declare:

1. I am employed in Los Angeles County, California. My business address is 15233 Ventura Blvd., Suite 1000, Sherman Oaks, CA 91403. I am over the age of 18 years and not a party to the within cause.
2. On this date, I served true and correct copies of NOTICE OF VIOLATION OF HEALTH AND SAFETY CODE SECTION 25249.6; CERTIFICATE OF MERIT; THE SAGE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on the service list marked with an asterisk); and this CERTIFICATE OF SERVICE.
3. On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed as follows:

*Mark Wolverton Lush Cosmetics LLC 9739 Heather St Vancouver BC CD V6P 3T1	District Attorney Contra Costa County 900 Ward St Martinez, CA 94553	District Attorney Napa County 931 Parkway Mall Napa, CA 94559
District Attorney Monterey County 230 Church St Bldg 2 Salinas CA 93901	District Attorney Sonoma County 600 Administration Dr Rm 212J Santa Rosa CA 95403	District Attorney Santa Clara County 70 W Hedding St West Wing San Jose CA 95110
District Attorney Tulare County 221 S Mooney Blvd Rm 224 Visalia CA 93291	District Attorney Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney 800 S Victoria Ave Ventura CA 93009
District Attorney Alameda County 1225 Fallon St Rm 900 Oakland CA 94612	District Attorney Kern County 1215 Truxtun Ave 4 th Fl Bakersfield CA 93301	District Attorney Orange County 401 Civic Center Dr West Santa Ana CA 92701
District Attorney Alpine County PO Box 248 Markleeville CA 96120	District Attorney 1400 W Lacey Blvd Hanford CA 93230	District Attorney Placer County 10810 Justice Center Dr Ste 240 Roseville CA 95678
District Attorney Amador County 708 Court St Ste 202 Jackson CA 95642	District Attorney Lake County 255 N Forbes St Lakeport CA 95453	District Attorney Plumas County 520 Main St Rm 404 Quincy CA 95971

District Attorney Butte County Administration Building 25 County Center Dr Oroville CA 95965	District Attorney Lassen County 220 S Lassen St Ste 8 Susanville CA 96130	District Attorney Sacramento County 901 G St Sacramento CA 95814
District Attorney Calaveras County 891 Mountain Ranch Rd San Andreas CA 95249	District Attorney Los Angeles County 210 W Temple St Ste 18000 Los Angeles CA 90012	District Attorney San Benito County 419 Fourth St 2 nd Floor Hollister CA 95023
District Attorney Colusa County 346 Fifth St Ste 101 Colusa CA 95932	District Attorney Madera County 209 W Yosemite Ave Madera CA 93637	District Attorney San Bernardino County 316 N Mountain View Ave San Bernardino CA 92415
District Attorney Del Norte County 450 H St Ste 171 Crescent City CA 95531	District Attorney Marin County 3501 Civic Center Dr Rm 130 San Rafael CA 94903	District Attorney San Diego County 330 W Broadway Ste 1300 San Diego CA 92101
District Attorney El Dorado County 515 Main St Placerville CA 95667	District Attorney Mariposa County 5101 Jones St Mariposa, CA 95338	District Attorney San Francisco County 850 Bryant St Rm 325 San Francisco CA 94103
District Attorney Fresno County 2220 Tulare St Ste 1000 Fresno CA 93721	District Attorney Mendocino County PO Box 1000 Ukiah CA 95482	District Attorney San Joaquin County PO Box 990 Stockton CA 95201
District Attorney Glenn County PO Box 430 Willows CA 95988	District Attorney Merced County 550 W Main St Merced CA 95340	District Attorney San Luis Obispo County 1050 Monterey St Rm 450 San Luis Obispo CA 93408
District Attorney Humboldt County 825 Fifth St Ste 4 Eureka CA 95501	District Attorney Modoc County 204 S Court St Ste 202 Alturas CA 96101	District Attorney San Mateo County 400 County Center 3 rd Floor Redwood City CA 94063
District Attorney Imperial County 940 W Main St Ste 102 El Centro CA 92243	District Attorney Mono County PO Box 617 Bridgeport CA 93517	District Attorney Trinity County PO Box 310 Weaverville CA 96093
District Attorney Inyo County PO Drawer D Independence CA 93526	District Attorney Nevada County 110 Union St Nevada City CA 95959	District Attorney Santa Cruz County 701 Ocean St Rm 200 Santa Cruz CA 95060
District Attorney Santa Barbara County 1112 Santa Barbara St Santa Barbara CA 93101	District Attorney Tuolumne County 423 N Washington St Sonora CA 95370	City Attorney San Jose City 200 E. Santa Clara St 16 th Fl San Jose, CA 95113

District Attorney Shasta County 1355 West St Redding CA 96001	District Attorney Yolo County 301 Second St Woodland CA 95695	District Attorney Tehama county 444 Oak St Rm L Red Bluff CA 96080
District Attorney Sierra County Courthouse 100 Courthouse Sq 2 nd Floor Downieville CA 95936	District Attorney Yuba County 215 Fifth St Marysville CA 95901	District Attorney Sutter County 446 Second St Ste 102 Yuba City CA 95991
District Attorney Siskiyou County PO Box 986 Yreka CA 96097	City Attorney Los Angeles City City Hall East 200 N Main St Rm 800 Los Angeles CA 90012	District Attorney Stanislaus County 832 12 th St Ste 300 Modesto CA 95354
District Attorney Solano County 675 Texas St Ste 4500 Fairfield CA 94533	City Attorney San Diego City 1200 Third Ave Ste 1620 San Diego CA 92101	City Attorney San Francisco City City Hall Rm 234 1 Dr. Carlton B. Goodlett Pl San Francisco CA 94102
Attorney General's Office Attn: Prop 65 Coordinator PO Box 70550 Oakland CA 94612		

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: August 15, 2013

m mehrban
Morse Mehrban