

60 DAY NOTICE OF VIOLATION

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

DATE: August 14, 2013
To: CVS Pharmacy, Inc.; Softsoap Enterprises Inc.; Advanced Healthcare Distributors, LLC; Kao USA Inc.; Johnson & Johnson; L'Oreal U.S.A., Inc.; Schwarzkopf & Henkel Inc.; Ilex Consumer Products Group, LLC; Fantasia Industries Corp; Neutrogena Corporation; Colgate-Palmolive Company; Newhall Laboratories, 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:	Benzophenone
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.

<u>Product Category</u>	<u>Specific Product¹</u>	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Face Soap	deep cleaning astringent	050428104873	CVS	CVS Pharmacy, Inc.
Body Wash	Softsoap Citrus Splash & Berry Fusion	074182281878	CVS	Softsoap Enterprises Inc.
Shower Gel	essence of beauty Citrus Coconut	050428813959	CVS	Advanced Healthcare Distributors, LLC
Acne Soap	Biore Blemish Treating Astringent	019100169906	CVS	Kao USA Inc.
Acne Soap	Clean & Clear essentials	381370033776	CVS	Johnson & Johnson
Hair Gel	Styling Gel Firm & Flexible Hold	050428175811	CVS	CVS Pharmacy, Inc.
Skin Toner	L'Oreal Hydrafresh Toner	071249672044	CVS	L'Oreal U.S.A., Inc.
Hair Gel	Smooth 'N Shine Curl Activator Gel	052336607910	CVS	Schwarzkopf & Henkel Inc.
Shower Gel	Calgon Morning Glory	852205002675	CVS	Ilex Consumer products group, LLC
Hair Gel	Fantasia Hair Polisher Syling Gel	011313019924	CVS	Fantasia Industries Corp
Sunburn lotion	Aftersun Aloe Vera	050428094099	CVS	CVS Pharmacy, Inc.
Acne Soap	Neutrogena Clear Pore	070501116906	CVS	Neutrogena Corporation
Hand Soap	instant hand sanitizer	050428078983	CVS	CVS Pharmacy, Inc.
Body Wash	Irish Spring Clear & Clean Fresh Skin	035000270078	CVS	Colgate-Palmolive Company
Hair Gel	L.A. Looks Sport activity proof power gel	041670139904	CVS	Newhall Laboratories, 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.

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 August 14, 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:

CVS Pharmacy, Inc.	Attn: General Counsel	1 CVS Drive	Woonsocket	RI	02895
Softsoap Enterprises Inc. c/o Colgate-Palmolive Company	Attn: Legal	300 Park Avenue	New York	NY	10022
Advanced Healthcare Distributors, LLC	Attn: Legal	9 CAPITOL STREET	Concord	NH	03301
Kao USA Inc.	Attn: Legal	2535 Spring Grove Avenue	Cincinnati	OH	45214
Johnson & Johnson Services, Inc.	Attn: General Counsel	One Johnson & Johnson Plaza	New Brunswick	NJ	08933
Johnson & Johnson Services, Inc.	Attn: General Counsel	199 Grandview Rd.	Skillman	NJ	08558-9418
L'Oreal U.S.A., Inc.	Attn: Legal	575 Fifth Ave.	New York	NY	10017
L'oreal Usa, Inc	Attn: Legal	133 Loreal Way	Clark	NJ	07066-1340
Schwarzkopf & Henkel Inc.	Attn: Legal	1063 McGaw Avenue, Suite 100	Irvine	CA	92614
Henkel Consumer Goods, Inc.	Attn: Legal	19001 N Scottsdale Rd.	Scottsdale	AZ	85255
Ilex Consumer products group, LLC	Attn: Legal	323 W Camden St Ste 700	Baltimore	MD	21201
Parfums De Coeur Ltd.	Attn: Legal	85 Old Kings Highway	N Darien	CT	06820-4724
Fantasia Industries Corp	Attn: Legal	20 Park Place	Paramus	NJ	07652
Neutrogena Corporation	Attn: General Counsel	5760 W 96th St	Los Angeles	CA	90045
Newhall Laboratories, Inc.	Attn: Legal	5 High Ridge Park, Suite 100	Stamford	CT	06905

II. California Attorney General (via website Portal): On August 14, 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 August 14, 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.

August 14, 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

District Attorney
AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive —
Administration Building
Oroville, CA 95965

District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

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COLUSA COUNTY
346 5th Street, Suite. 101
Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
900 Ward Street
Martinez, CA 94553

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

District Attorney
EL DORADO COUNTY
515 Main Street
Placerville, CA 95667

District Attorney
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2220 Tulare Street, Suite. 1000
Fresno, CA 93721

District Attorney
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PO Box 430
Willows, CA 95988

District Attorney
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825 5th Street
Eureka, CA 95501

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IMPERIAL COUNTY
940 West Main Street, Suite. 102
El Centro, CA 92243

District Attorney
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168 North Edwards
Independence, CA 93526

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Bakersfield, CA 93301

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Hanford, CA 93230

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Lakeport, CA 95453

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220 S. Lassen Street, Suite. 8
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Mariposa, CA 95338

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Ukiah, CA 95482

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Mammoth Lakes, CA 93546

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Riverside, CA 92501

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San Francisco, CA 94103

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SAN JOAQUIN COUNTY
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Stockton, CA 95202

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SAN LUIS OBISPO COUNTY
Courthouse Annex, 4th Floor
San Luis Obispo, CA 93408

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SAN MATEO COUNTY
400 County Center, Third Floor
Redwood City, CA 94063

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SANTA BARBARA COUNTY
1112 Santa Barbara Street
Santa Barbara, CA 93101

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SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney
SHASTA COUNTY
1355 West Street
Redding, CA 96001

District Attorney
SIERRA COUNTY
100 Courthouse Square
Downieville, CA 95936

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Fairfield, CA 94533

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600 Administration Drive, Room 212J
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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.

August 14, 2013

Daniel N. Greenbaum, Esq.

Date

Printed Name



Signature