

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

September 12, 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
September 12, 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	SKU or Further Description
<p style="text-align: center;">Aesop USA, Inc. 555 Madison Avenue 16th Floor New York, NY 10022</p>	<p style="text-align: center;">Aesop Calming Shampoo</p>	<p style="text-align: center;">SKU No. 9-319944-004014</p>
<p style="text-align: center;">Blue Cross Laboratories, Inc. 20950 Centre Pointe Pkwy Santa Clarita, CA 91350</p>	<p style="text-align: center;">Iron Man 3 Berry Blast Bubble Bath</p>	<p style="text-align: center;">SKU No. 0-41348-00801-3</p>
<p style="text-align: center;">ConvaTec Inc. 200 Headquarters Park Drive Skillman, NJ 08558</p>	<p style="text-align: center;">Aloe Vesta Body Wash & Shampoo</p>	<p style="text-align: center;">SKU No. 7-68455-10836-7</p>
<p style="text-align: center;">Crown Laboratories, Inc. 349 Lafe Cox Drive Johnson City, TN 37604</p>	<p style="text-align: center;">Ala Seb Medicated Shampoo</p>	<p style="text-align: center;">SKU No. 3-03160-11412-0</p>
<p style="text-align: center;">Dollar Tree Distribution, Inc. 500 Volvo Parkway Chesapeake, VA 23320</p> <p style="text-align: center;">Dollar Tree Stores, Inc. 500 Volvo Parkway Chesapeake, VA 23320</p>	<p style="text-align: center;">Iron Man 3 Berry Blast Bubble Bath</p>	<p style="text-align: center;">SKU No. 0-41348-00801-3</p>
	<p style="text-align: center;">Serenity Pomegranate Foaming Hand Soap</p>	<p style="text-align: center;">SKU No. 0-17911-09031-0</p>

<p>Drugstore.com, Inc. 411 108th Avenue NE Suite 1400 Bellevue, WA 98004</p>	<p>Senscience Balance Shampoo for Normal Hair</p>	<p>SKU No. 0-74469-42456-1</p>
	<p>Ala Seb Medicated Shampoo</p>	<p>SKU No. 3-03160-11412-0</p>
	<p>Olivella Hair The Olive Shampoo</p>	<p>SKU No. 7-64412-20407-3</p>
	<p>Néolia Hydra-Prevention Olive Oil 2 in 1 Hand Wash</p>	<p>SKU No. 7-72060-84012-3</p>
	<p>BAIN de-luxe Aloe & Glycerin Liquid Soap in Rosemary Mint</p>	<p>SKU No. 8-10670-00019-0</p>
	<p>m LUXE Amelia Hand Soap with Kala Fig (DEA232)</p>	<p>SKU No. 6-369-88-68142-1 Item No. 477224</p>
<p>Geritrex Corp. 144 Kingsbridge Road East Mount Vernon, NY 10550</p>	<p>Geritrex PC-TAR Golden Lathering Shampoo</p>	<p>SKU No. 3-54162-20006-9 Item No. 54162-200-06</p>
<p>Inteladerm LLC 7405 E. Monte Cristo Avenue Scottsdale, AZ 85260</p>	<p>Peter Thomas Roth Mega-Rich Shampoo</p>	<p>SKU No. 6-70367-63801-9</p>
	<p>Derma Topix Hair Repair Shampoo</p>	<p>SKU No. 3-58211-20108-3 Item No. 201</p>

<p>Laboratorios Rivas, SRL Prol. Presidente Vasquez 284 Alma Rosa II Santo Domingo Dominican Republic</p>	<p>Avanti Silicon Mix Proteina de Perla Shampoo</p>	<p>SKU No. 7-464804-102262</p>
<p>McKesson Corporation One Post Street San Francisco, CA 94104</p>	<p>Sunmark Coal Tar Anti-Dandruff Shampoo</p>	<p>SKU No. 0-10939-74733-4</p>
<p>Molton Brown USA Inc. One Penn Plaza Suite 2207 New York, NY 10119</p>	<p>Molton Brown London Invigorating Suma Ginseng Bath & Shower</p>	<p>SKU No. 0-08080-00137-5</p>
<p>Mudlark Papers Inc. 375 W. South Frontage Road Bolingbrook, IL 60440</p>	<p>m LUXE Amelia Hand Soap with Kala Fig</p>	<p>SKU No. 6-369-88-68142-1 Item No. 477224</p>
<p>The Neiman-Marcus Group, Inc. 1618 Main Street Dallas, TX 75201</p>	<p>Molton Brown London Invigorating Suma Ginseng Bath & Shower</p>	<p>SKU No. 0-08080-00137-5</p>
<p>Peter Thomas Roth Labs LLC 460 Park Avenue New York, NY 10022</p>	<p>Peter Thomas Roth Mega-Rich Shampoo</p>	<p>SKU No. 6-70367-63801-9</p>
<p>Shiseido Americas Corporation 900 3rd Avenue New York, NY 10022</p>	<p>ISO Purifying Shampoo</p>	<p>N/A</p>
<p>Zotos International, Inc. 100 Tokeneke Road Darien, CT 06820</p>	<p>Senscience Balance Shampoo for Normal Hair</p>	<p>SKU No. 0-74469-42456-1</p>

Skinfood USA, Inc. 6 Centerpointe, Ste 375 La Palma, CA 90623	Skinfood Citron Scalp Care Shampoo	SKU No. 8-809221-279576
	Skinfood Goat Milk & Lavender Body Wash (For Baby)	SKU No. 8-809221-271549
Summum Beaute International Inc. 4400 Kimber Boulevard St-Hubert Québec J3Y 8L4 Canada	Néolia Hydra-Prevention Olive Oil 2 in 1 Hand Wash	SKU No. 7-72060-84012-3
Topix Pharmaceuticals Inc. 5200 New Horizons Blvd. N. Amityville, NY 11701	Derma Topix Hair Repair Shampoo	SKU No. 3-58211-20108-3 Item No. 201
Umbria Olii International USA, Inc. 118 Roberts Road Englewood Cliffs, NJ 07632	Olivella Hair The Olive Shampoo	SKU No. 7-64412-20407-3
U.S. Soaps MFG Company 2114 Atlantic Avenue Suite 160 Raleigh, NC 27604	Serenity Pomegranate Foaming Hand Soap	SKU No. 0-17911-09031-0

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.

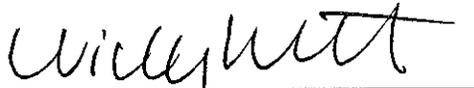
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

September 12, 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 September 12, 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 12:09 p.m. on September 12, 2013:

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Dije Ndreu, Deputy District Attorney
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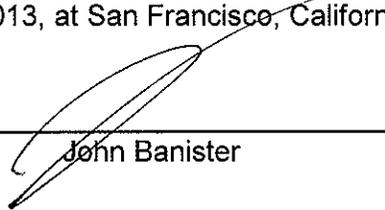
Paul E. Zellerbach, District Attorney
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4075 Main Street
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Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
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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 September 12, 2013, at San Francisco, California.

Signed: _____



John Banister

SERVICE LIST

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San Diego City Attorney's Office
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San Diego, CA 92101

San Francisco City Attorney's
Office
City Hall, Room 234
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San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

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