

60-DAY NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Date:	September 30, 2013
To:	Dean Scarborough, President – Avery Dennison Corporation California Attorney General's Office District Attorney's Office for 58 Counties City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles
From:	Michael DiPirro

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, you may contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. Attached for your reference is a summary, "Proposition 65 In Plain Language," provided by the California Office of Environmental Health Hazard Assessment's ("OEHHA") (copies not provided to public enforcement agencies).

This Notice of Violation is provided by Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I am dedicated to protecting the environment, promoting awareness of exposures to toxic chemicals in products sold in California, improving human health and supporting environmentally sound practices.

Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. I 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 location and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator and other retailers and distributors of the manufacturer, including, but not limited to the retailer(s) and/or distributor(s) listed below.

Description of Violations:

Violator:	Avery Dennison Corporation
Toxic Chemical:	Di(2-ethylhexyl)phthalate ("DEHP") DEHP is also known as Bis (2- ethylhexyl) Phthalate. Exposures to DEHP occur from use of the products identified in this Notice.
Product Category:	Media Holders

Non-exclusive Example of Type of Product¹:	Avery Self-Adhesive CD/DVD/Zip Pockets, Pack of 10 (#73721) (#0 77711 73721 1)
Retailer(s):	Fed Ex, Sonoma County, Northern California
Manufacturer(s)/ Distributor(s):	Avery Dennison Corporation
Types of Harm:	Birth Defects and Other Reproductive Harm
Description of Exposure:	These exposures occur in homes, workplaces and everywhere else throughout California where these products are handled or used. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65.
Routes of Exposure:	Ingestion, Dermal Reasonably foreseeable use of the products identified in this Notice results in human exposures to DEHP. DEHP is contained in the Media Holders. The routes of exposure for the violations are: (1) dermal absorption directly through the skin when consumers wear, touch, use, or handle the products; (2) ingestion via hand to mouth contact after consumers touch, use, or handle the products; and (3) direct ingestion when consumers place their hands in their mouths while using the products or otherwise place the products in their mouths.
Time Period of Exposure:	The violations have been occurring since at least September 30, 2010, and are continuing to this day.

Resolution of Noticed Claims: Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned DEHP exposures from products sold in the future and to ensure that the requisite health hazard warnings are provided to those who have received such products; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249(b). If the alleged Violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact me through my counsel identified below. It should be noted that neither my counsel nor I can: (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 this Notice of Violation. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to Michael DiPirro through his counsel David Bush at Bush & Chaput, 755 Baywood Drive, Petaluma, CA 94954; Telephone: (707) 658-4444.

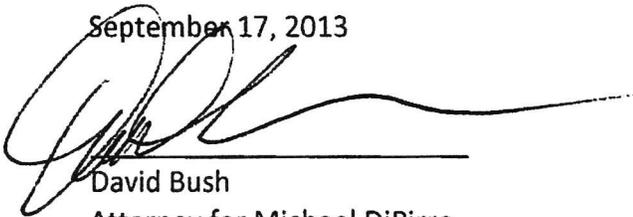
¹ The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product categories/types listed in Exhibit A. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category." Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, David Bush, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney who represents the noticing party.
3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies or other data regarding the alleged exposure to the listed chemical that is the subject of this 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 plaintiff's case can be established and the information did not prove that the alleged Violator(s) 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 17, 2013



David Bush
Attorney for Michael DiPirro

PROOF OF SERVICE

I declare that:

I am employed in Sonoma County, California; my business address is 755 Baywood Drive, Petaluma, CA 94954. I am over the age of 18 years and not a party to the within cause.

On September 30, 2013, I served true copies of the following documents:

60- DAY NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

PROPOSITION 65 IN PLAIN LANGUAGE (only sent to the Violator(s));

CERTIFICATE OF MERIT; and

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

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 as follows:

on the alleged Violator(s) listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entities listed below and providing each envelope to a United States Postal Service Representative:

Dean Scarborough, President
Avery Dennison Corporation
150 North Orange Grove Boulevard
Pasadena, CA 91103

as well as providing copies to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

<i>Electronically via the Attorney General website:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

A list of addresses for each of these recipients is attached.

Executed on September 30, 2013, at Petaluma, California.



Michael Hader

SERVICE LIST

The Honorable Nancy O'Malley Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612	The Honorable Robert Burns Lassen County District Attorney 220 S. Lassen Street, Ste. 8 Susanville, CA 96130	The Honorable Candice Hooper- Mancino San Benito County District Attorney 419 4 th Street, Second Floor Hollister, CA 95203	The Honorable Greg Cohen Tehama County District Attorney PO Box 519 Red Bluff, CA 96080
The Honorable Terese Drabec Alpine County District Attorney 270 Laramie Street, PO Box 248 Markleeville, CA 96120	The Honorable Steve Cooley Los Angeles County District Attorney 210 West Temple Street, Suite 1800D Los Angeles, CA 90012	The Honorable Michael Ramos San Bernardino County District Attorney 316 N. Mountain View Avenue San Bernardino, CA 92415	The Honorable Michael B. Harper Trinity County District Attorney PO Box 310 Weaverville, CA 96093
The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	The Honorable Michael Keitz Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	The Honorable Bonnie Durnanis San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	The Honorable Phillip Cline Tulare County District Attorney 221 South Mooney Boulevard. Suite 224 Visalia, CA 93291
The Honorable Michael Ramsey Butte County District Attorney 25 County Center Drive Oroville, CA 95965	The Honorable Edward Berberian Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	The Honorable George Gascon San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103	The Honorable Donald Segerstrom, Jr. Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
The Honorable Barbara Yook Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	The Honorable Robert Brown Mariposa County District Attorney 5101 Jones Street, PO Box 730 Mariposa, CA 95338	The Honorable James Willett San Joaquin County District Attorney PO Box 990 Stockton, CA 95201	The Honorable Gregory Totten Ventura County District Attorney 800 South Victoria Avenue Ventura, CA 95370
The Honorable John R. Poyner Colusa County District Attorney 547 Market Street, Suite 102 Colusa, CA 95932	The Honorable C. David Eyster Mendocino County District Attorney PO Box 1000 Ukiah, CA 95482	The Honorable Gerald Shea San Luis Obispo County District Attorney 1035 Palm Street San Luis Obispo, CA 93408	The Honorable Jeff Reisig Yolo County District Attorney 301 Second Street Woodland, CA 95695
The Honorable Mark Peterson Contra Costa County District Attorney 725 Court Street, Fourth Floor Martinez, CA 94553	The Honorable Larry Morse II Merced County District Attorney 2222 M Street Merced, CA 95340	The Honorable Stephen Wagstaffe San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94603	The Honorable Patrick McGrath Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
The Honorable Jon Alexander Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Christopher Brooke Modoc County District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101	The Honorable Joyce Dudley Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	The Honorable Carmen Trutanich Office of the City Attorney, Los Angeles 200 North Main Street Los Angeles, CA 90012
The Honorable Vernon Pierson El Dorado County District Attorney 515 Main Street Placerville, CA 95667	The Honorable George Booth Mono County District Attorney PO Box 617 Bridgeport, CA 93517	The Honorable Jeffrey Rosen Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110	The Honorable Jan Goldsmith Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101
The Honorable Elizabeth Egan Fresno County District Attorney 2220 Tulare, Street, #1000 Fresno, CA 93721	The Honorable Dean Flippo Monterey County District Attorney PO Box 1131 Salinas, CA 93902	The Honorable Bob Lee Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	The Honorable Eileen M. Teichert Office of the City Attorney, Sacramento PO Box 1948 Sacramento, CA 95812
The Honorable Robert Maloney Glenn County District Attorney PO Box 430 Willows, CA 95988	The Honorable Gary Lieberstein Napa County District Attorney PO Box 720 Napa, CA 94559	The Honorable Stephen Carlton Shasta County District Attorney 1525 Court Street, Third Floor Redding, CA 96001	The Honorable Dennis J. Herrera Office of the City Attorney, San Francisco City Hall, Room 234 San Francisco, CA 94102

The Honorable Paul Gallegos Humboldt County District Attorney 825 5 th Street Eureka, CA 95501	The Honorable Clifford Newell Nevada County District Attorney 110 Union Street Nevada City, CA 95959	The Honorable Lawrence Allen Sierra County District Attorney 100 Courthouse Square, Second Floor Downieville, CA 95936	The Honorable Richard Doyle Office of the City Attorney, San Jose 200 East Santa Clara Street San Jose, CA 95113
The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	The Honorable James Kirk Andrus Siskiyou County District Attorney PO Box 986 Yreka, CA 96097	
The Honorable Arthur Maillet Inyo County District Attorney P.O. Drawer D Independence, CA 93526	The Honorable Ronald Owens Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	The Honorable David Paulson Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	Office of the California Attorney General Proposition 65 Reporting ATTN: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Oakland, CA 94612-0550
The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301	The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	The Honorable Jill Ravitch Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
The Honorable Greg Strickland Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	The Honorable Paul Zellerbach Riverside County District Attorney 3660 Orange Street Riverside, CA 92501	The Honorable Birgit Fladager Stanislaus County District Attorney 832 12 th Street, Suite 300 Modesto, CA 95354	
The Honorable Donald Anderson Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	The Honorable Jan Scully Sacramento County District Attorney 901 G Street Sacramento, CA 95814	The Honorable Carl Adams Sutter County District Attorney 446 Second Street Yuba City, CA 95991	