

60-DAY NOTICE OF VIOLATION

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

DATE: August 28, 2014

To: E A Fragrances Co.; Walgreen Co.; Puretek Corporation; Wal-Mart Stores Inc.; Advanced Beauty Systems Inc.; Aftermat Products Inc.; Chacoca Inc.; P Coast Partners; Dermalogica, Inc.; Swiss American; Dermstore; Grandpa Brands Company; Eternity Essentials; Kirk's Natural, LLC; TREVOR SORBIE OF AMERICA, INC.; Universal Group c/o KAI USA LTD.; Universal Razor Industries, Inc.; Unilever USA Inc.; 3M Company; Dermanew Inc.; Active Forever; Med Ex Research Labs, Inc.; Kyoku for Men; The Village Company, LLC; Nature's Cure, Inc.; Dmmt LLC; Plexsupply; 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 VII, Exhibit A
Listed Chemical:	Diethanolamine, AKA DEA
Routes of Exposure:	Dermal absorption; Ingestion; and Inhalation
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 23, 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 from dermal and ingestion exposure as well as inhalation, 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 utilized. 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 to consumers includes, but is not limited to, when handling the product DEA is absorbed through dermal, and other migration pathways, including but not limited to incidental ingestion after one touch's the chemical and then touch's food or otherwise places his hands on or near his lips where his tongue can or will continue this pathway to ingestion exposure. Exposure may continue to occur for a significant period after the initial contact. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed by the state as known to cause cancer.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to us through our counsel's offices at the following address:

Daniel N. Greenbaum, Esq.
14752 Otsego Street
Sherman Oaks, CA 91403
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, I 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 DEA exposures.

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 my counsel nor I 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 an agreement may not be approved by the Attorney General after referral to them, or by the court as the last voice on settlements.

VI. ADDITIONAL INFORMATION

Product

Soap; Shampoo;
Shaving Cream

Retailer(s)

Drugstore.com;
Amazon.com, Inc.;
Beauty.com.;
Wal-Mart;
Dermstore;

Manufacturer(s)/Distributor(s)

E A Fragrances Co.; Walgreen Co.;
Puretek Corporation; Wal-Mart
Stores Inc.; Advanced Beauty
Systems Inc.; Aftermat Products
Inc.; Chaacoca Inc.; P Coast
Partners; Dermalogica, Inc.; Swiss
American; Dermstore; Grandpa
Brands Company; Eternity
Essentials; Kirk's Natural, LLC;
TREVOR SORBIE OF AMERICA,
INC.; Universal Group c/o KAI
USA LTD.; Universal Razor
Industries, Inc.; Unilever USA Inc.;
3M Company; Dermanew Inc.;
Active Forever; Med Ex Research
Labs, Inc.; Kyoku for Men; The
Village Company, LLC; Nature's
Cure, Inc.; Dmmt LLC; Plexsupply;

VII. EXHIBIT A

Identified below are named products which contain the alleged chemicals at issue, and this reference is supportive of the material facts that are a part of my counsels Certificate of Merit that is attached hereto 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. 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 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>
Bath Gel	body by Design bath gel	1326639999	Drugstore.com	E A Fragrances Co.
Bath Gel	body by Design bath gel	1326639999	Drugstore.com	Walgreen Co.
Body Wash	Body Essence tea Tree Oil	731477840034	Wal-Mart	Puretek Corporation
Body Wash	Body Essence tea Tree Oil	731477840034	Wal-Mart	Wal mart Stores Inc.
Body Wash	Dr. Teal's Body Wash Soothe & Sleep with lavender	811068011583	Beauty.com	Advanced Beauty Systems Inc.
Shampoo	Aftermat Post Training shampoo		Aftermat Products Inc.	Aftermat Products Inc.
Shampoo	Chaacoca	857518002008	P Coast Partners	Chaacoca Inc.
Shampoo	Chaacoca	857518002008	P Coast Partners	P Coast Partners
Shampoo	dermalogica	666151140011	Drugstore.com	Dermalogica, Inc.
Shampoo	elta lite tar	390205077007	Dermstore	Swiss American
Shampoo	elta lite tar	390205077007	Dermstore	Dermstore
Shampoo	Grandpa's Pine tar Shampoo	010486007103	Eternity Essentials	Grandpa Brands Company
Shampoo	Grandpa's Pine tar Shampoo	010486007103	Eternity Essentials	Eternity Essentials
Shampoo	Kirk's original Coco Castile	639844100098	Beauty.com	Kirk's Natural, LLC
Shampoo	sorbie smoothe shampoo	412650000031	Beauty.com	TREVOR SORBIE OF AMERICA, INC.
Shaving cream	Noxzema shave w/ aloe and lanolin	675690496022	Drugstore.com	Universal Group c/o KAI USA LTD.
Shaving cream	Noxzema shave w/ aloe and lanolin	675690496022	Drugstore.com	Universal Razor Industries, Inc.
Shaving	Noxzema shave w/ aloe and lanolin	675690496022	Drugstore.com	Unilever USA Inc.

¹ 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. It is important to note that this example does not represent an exhaustive or comprehensive identification of any or all specific products. Further, it is our position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)' custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

cream				
Soap	Buf-Puf facial sponges	051131083622	Drugstore.com	3M Company
Soap	DermaNew Decongestive Cleaner	839407003464	Active Forever	Dermanew Inc.
Soap	DermaNew Decongestive Cleaner	839407003464	Active Forever	Active Forever
Soap	kyoku daily facial cleaner	611935274024	Beauty.com	Med Ex Research Labs, Inc.
Soap	kyoku daily facial cleaner	611935274024	Beauty.com	Kyoku for Men
Soap	Mr. Bubble Foam Soap - original bubble	735303291007	Beauty.com	The Village Company, LLC
Soap	Nature's Cure Papya Cleanser	020382127362	Drugstore.com	Nature's Cure, Inc.
Soap	Real pholo-off lotion cleanser	893839002778	Plexsupply	Dmmt LLC
Soap	Real pholo-off lotion cleanser	893839002778	Plexsupply	Plexsupply

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:
7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406

A True and Correct copy of the documents entitled **60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On August 28, 2014, 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, postage prepaid, and addressed as follows:

E A Fragrances Co.	ATTN: CEO or President	200 Park Ave # 7, New York, NY 10166
EA Fragrances Co. c/o Elizabeth Arden, Inc.	Attn: Courtney Robbins	200 Park Ave. South, 7th Floor, New York NY 10003
Elizabeth Arden, Inc.	Attn: Consumer Affairs	200 Park Ave. South, 7th Floor, New York NY 10003
Walgreen Co.	ATTN: CEO or President	200 Wilmot Rd., Deerfield, IL 60015
Puretek Corporation	ATTN: CEO or President	1245 Aviation Place, San Fernando, CA 91340
Wal mart Stores Inc.	ATTN: CEO or President	702 SW 8th Street, Bentonville, AR 72716
Advanced Beauty Systems Inc.	ATTN: CEO or President	5501 LBJ Freeway, Suite 900, Dallas, TX 75240
Aftermat Products Inc.	ATTN: CEO or President	16 Oxford Dr, Port Jefferson Station, NY 11776
Chaacoca Inc.	ATTN: CEO or President	7852 Sidwell Street, Granada Hills, CA 91344
P Coast Partners	ATTN: CEO or President	3837 Bay Lake Trail, Suite 115, North las Vegas, NV 89030
Dermalogica, Inc.	ATTN: CEO or President	1535 Beachey Place, Carson, CA 90746
Swiss American	ATTN: CEO or President	2055 Luna Road, #126, Carrollton, TX 75006
Dermstore	ATTN: CEO or President	1200 Worldwide Blvd., Hebron, KY 41048
Grandpa Brands Company	ATTN: CEO or President	1820 Airport Exchange Blvd., Erlanger, KY 41018
Eternity Essentials	ATTN: CEO or President	521 Hidden Lake Dr., Prosper, TX 75078
Kirk's Natural, LLC	ATTN: CEO or President	1820 Airport Exchange Blvd., Erlanger, KY 41018
TREVOR SORBIE OF AMERICA, INC.	ATTN: CEO or President	4829 East 7th Avenue, Tampa, FL 33605
Universal Group c/o KAI USA LTD.	ATTN: CEO or President	18600 SW TETON AVENUE, TUALATIN, OREGON 97062
Universal Razor Industries, Inc.	ATTN: CEO or President	6031 Malburg Way, Los Angeles, CA 90058
Unilever USA Inc.	ATTN: CEO or President	700 Sylvan Ave., Englewood Cliffs, NJ 07632
3M Company	ATTN: CEO or President	3M CENTER, Saint Paul, MN 55144
Dermanew Inc.	ATTN: CEO or President	9107 Wilshire Blvd., Suite 600, Beverly Hills, CA 90212
Active Forever	ATTN: CEO or President	9299 W. Olive Ave., Suite 604, Peoria, AZ 85345
Med Ex Research Labs, Inc.	ATTN: CEO or President	9202 Falling Water Dr., Lot 5, Burr Ridge, IL 60521
Kyoku for Men	ATTN: CEO or President	584 Broadway Suite 506 New York, NY 10012
The Village Company, LLC	ATTN: CEO or President	124 W. COLUMBIA COURT, CHASKA, MN 55318
Nature's Cure, Inc.	ATTN: CEO or President	5560 Golden Gate Avenue., Oakland, CA 94618-2111
Dmmt LLC	ATTN: CEO or President	106 WAKEFIELD AVE., STATEN ISLAND, NEW YORK, 10314
Plexsupply	ATTN: CEO or President	667 Lehigh Ave., Union, NJ 07083

II. California Attorney General (via website Portal): On August 28, 2014, 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 28, 2014, 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 28, 2014

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
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708 Court Street, #202
Jackson, CA 95642

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25 County Center Drive —
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Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
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Crescent City, CA 95531

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EL DORADO COUNTY
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Fresno, CA 93721

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Willows, CA 95988

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Bakersfield, CA 93301

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Lakeport, CA 95453

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District Attorney
MERCED COUNTY

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District Attorney
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Alturas, CA 96101

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Mammoth Lakes, CA 93546

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Nevada City, CA 95959

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401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney
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Roseville, CA 95678

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Quincy, CA 95971

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Riverside, CA 92501

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Sacramento, CA 95812

District Attorney
SAN BENITO COUNTY
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Hollister, CA 95023

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San Bernardino, CA 92415

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330 W. Broadway, Suite 1300
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SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
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SAN JOAQUIN COUNTY
PO BOX 990
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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
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Santa Barbara, CA 93101

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District Attorney
SANTA CRUZ COUNTY
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Yreka, CA 96097

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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 28, 2014

Daniel N. Greenbaum, Esq.



Date

Printed Name

Signature