

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Coconut Oil Diethanolamine Condensate (Cocamide Diethanolamine) in Skin Creams Such as Facial Masks and Shaving Creams

October 6, 2014

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 and used by 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.
- Types of Products: The specific types of products causing this violation are skin creams such as facial masks and shaving creams (the "Products").
- 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. These exposures occur through the reasonably foreseeable use of the Products when, for example, individuals apply the Products to their skin. No clear and reasonable warning is provided with these Products regarding the exposures to cocamide DEA caused by ordinary use of the Products.

Please direct any inquiries regarding this Notice to CEH's counsel Howard Hirsch at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, hhirsch at lexlawgroup.com.

EXHIBIT 1
October 6, 2014 Notice of Violation
Cocamide DEA in Skin Creams
Such as Facial Masks and Shaving Creams
List of Violators

Burwell Industries, Inc.
dba Bloom Bath & Body and
dba Morgot Elena Collections and Companies
6890 S. Emporia Street
Centennial, CO 80112

J Beverly Hills, Inc.
20700 Plummer Street
Chatsworth, CA 91311

J. Strickland and Co.
10420 Desoto Road
Olive Branch, MS 38654

Sunny Marketing Systems, Inc.
163 East Bethpage Road
Plainview, NY 11803

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

I, Howard Hirsch, 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.

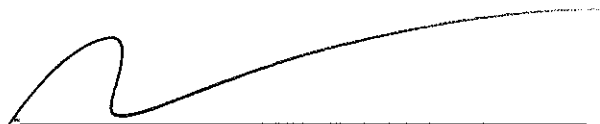
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

October 6, 2014



Howard Hirsch
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 cfisher@lexlawgroup.com.

On October 6, 2014, 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 2:35 P.m. on October 6, 2014:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Dije Ndreu, Deputy District Attorney
Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Yeng Dang
Supervising Deputy District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

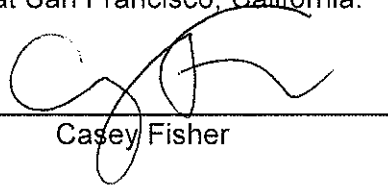
Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

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 October 6, 2014, at San Francisco, California.

Signed: _____



Casey Fisher

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

District Attorney of Mariposa
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P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney of Orange
County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240
Roseville, CA 95678

District Attorney of Plumas
County
520 Main Street, Rm. 404
Quincy, CA 95971

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito
County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San
Francisco County
850 Bryant Street, Rm. 325
San Francisco, CA 94103

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis
Obispo County
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

District Attorney of San Mateo
County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Santa Cruz County 701 Ocean Street, Rm. 200 Santa Cruz, CA 95060	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm. 800 Los Angeles, CA 90012
District Attorney of Santa Barbara County Attn: Jerry Lule-Jian 312-D E. Cook Street Santa Maria, CA 93454	San Diego City Attorney's Office 1200 Third Avenue, Ste. 1620 San Diego, CA 92101
District Attorney of Shasta County 1355 West Street Redding, CA 96001	San Francisco City Attorney's Office City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	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
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	Bruce Nye * Adams Nye Becht LLP 222 Kearny Street, Ste 700 San Francisco, CA 94108 <i>Counsel for Burwell Industries, Inc.</i>
District Attorney of Stanislaus County 832 12th Street, Ste. 300 Modesto, CA 95354	Julie A. Herzog * Law Office of Julie A. Herzog 18980 Ventura Blvd., #230 Tarzana, CA 91356 <i>Counsel for J Beverly Hills, Inc.</i>
District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	Steven Rosenbaum * Covington & Burling LLP 1201 Pennsylvania Avenue, NW Washington, DC 20004 <i>Counsel for J. Strickland and Co.</i>
District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	Jodi Smith * Paul Hastings LLP 55 Second Street, 24th Floor San Francisco, CA 94105 <i>Counsel for Sunny Marketing Systems, Inc.</i>
District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	
District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	
District Attorney of Yolo County 301 Second Street Woodland, CA 95695	
District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	