

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Nicotine-Containing Liquid For Use With Electronic Cigarette Devices

March 18, 2015

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 identified in the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least March 18, 2012, and are continuing to this day.
- 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 nicotine. Exposures to nicotine occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing this violation is the nicotine-containing liquid for use with electronic cigarette devices. Non-exclusive examples of this specific type of product are identified in the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to nicotine. Use of the products identified in this Notice results in human exposures to nicotine. Nicotine is intentionally added as an ingredient to the liquid products, and the products are specifically marketed as containing nicotine. The primary routes of exposure for the violations are inhalation and direct ingestion when consumers inhale the aerosol emitted from electronic cigarette devices utilizing the nicotine-containing liquids. In addition, the products cause dermal and secondary ingestion exposures when the nicotine from the products is deposited in indoor environments where the products are used. These exposures occur in homes, workplaces and everywhere else throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the reproductive hazards of nicotine.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator 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; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator 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's counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

EXHIBIT 1
March 18, 2015 Notice of Violation
Nicotine-Containing Liquid For Use With Electronic Cigarette Devices

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products
<p>All Rise Records, Inc. 1721 N. Partridge Street Anaheim, CA 92806</p> <p>GotVape.com 24331 Muirlands Blvd, #313 Lake Forest, CA 92630</p>	<p>Got Vape House Juice in Citrus Mist Item No. HJ-30ML-11-CT</p>
<p>Cherokee Tobacco Company, LLC 1098 Riverside Drive Danville, VA 24541</p>	<p>Cherokee Gourmet E-Liquid in Cool Raspberry SKU No. 1-85092-80217-3 Item No. ECJCR</p>
<p>Clean Smoke, LLC 2325 Bee Ridge Road Sarasota, FL 34239</p>	<p>Clean Smoke Premium E-Liquid in Skittles Product No. #CSL-Skittles-9</p>
<p>Forefront Enterprises, LLC 110 N. Garfield Avenue, #300 Sand Springs, OK 74063</p>	<p>Vapor King Primo Vapor E-Liquid in Coconut Code No. LIQ-10ML-LOW-COCONUT</p>
	<p>Cyber E-Liquids in Elysian Fields Code No. CYB-ELYSIANFIELDS-6</p>
<p>JRCigars.com, Inc. 2589 Eric Lane Burlington, NC 27215</p>	<p>DB Liquids E-Liquid in Vanilla Caramel Item No. EDBVC12</p>
	<p>Cherokee Gourmet E-Liquid in Cool Raspberry SKU No. 1-85092-80217-3 Item No. ECJCR</p>

<p>Mister-E-Liquid LLC 632 Plymouth Avenue NE Grand Rapids, MI 49505</p>	<p>The Harvest Collection Mister-E-Liquid in Caramel Apple SKU No. G2-5.3</p>
	<p>Mister-E-Liquid Premium Blends E-Liquid in #hashtag SKU No. MEL HSTG</p>
	<p>Mister-E-Liquid Premium Blends E-Liquid in Icarus</p>
	<p>Mister-E-Liquid E-Liquid in Clear "Unflavored" SKU No. MEL CLER</p>
<p>Mr. Good Vape LLC 38365 Innovation Court, Unit 1101 Murrieta, CA 92563</p>	<p>Mr. Good Vape E-Juice in Sunshine Daydream</p>
<p>S & D Distributors of Broward Inc. 676 W. Prospect Road Fort Lauderdale, FL 33309</p>	<p>Fum Liquid in Cinnamon Danish SKU No. 7-04660-35584-4 Item No. L21012</p>
<p>SV3, LLC (dba Smoking Vapor) 2303 N. 44th Street, Unit 2 Phoenix, AZ 85008</p>	<p>Smoking Vapor Black Label Premier E-Liquid in Banana Cream SKU No. 7054</p>
<p>Vapor Corp. 3001 Griffin Road Dania Beach, FL 33312</p> <p>The Vape Store, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p> <p>Vaporin, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p> <p>Vaporin Florida, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p>	<p>The Vape Store E-Liquid in Bavarian Cream Product Code No. 25048</p>
	<p>Vaporin E-Liquid in Blueberry SKU No. 8-57810-00433-5</p>

<p>The Vapor Emporium, LLC 16089 N. Franklin Road, Suite 3 Nampa, ID 83687</p>	<p>The Vapor Emporium E-Liquid in Wild Blueberry Code No. TVE-WB</p>
<p>Vapure USA, Inc. 2667 Camino del Rio South Suite 202 San Diego, CA 92108</p>	<p>Sweeper Torque E-Liquid</p>
	<p>Vapure Ctona Watermelon E-Liquid</p>

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

I, Mark N. Todzo, 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.

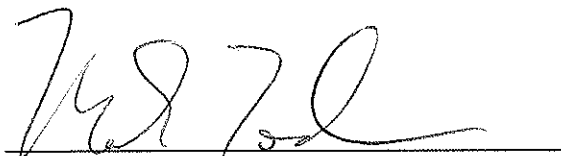
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

March 18, 2015



Mark N. Todzo
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 March 18, 2015, 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 12:00 P.m. on March 18, 2015:

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

Dije Ndreu, Deputy District Attorney
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Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Yeng Dang
Supervising Deputy District Attorney
Santa Clara County
70 West Hedding Street, West Wing
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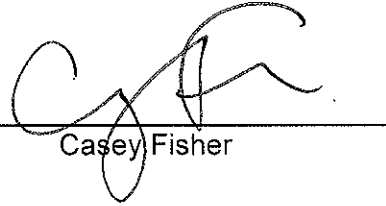
Paul E. Zellerbach, District Attorney
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4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

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 March 18, 2015, 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

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Willows, CA 95988

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825 5th Street
Eureka, CA 95501

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939 Main Street, Ste. 102
El Centro, CA 92243

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District Attorney of Siskiyou County
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Yreka, CA 96097

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

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