

60-DAY NOTICE OF VIOLATION

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

DATE: March 26, 2015

To: Amazon.com, Inc.; Drugstore.com; Beauty and Supplement Emporium; Beiersdorf, Inc.; Blistex, Inc.; Peter Thomas Roth Clinical Skin Care; Rocky Mountain Skiing LLC;

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: | Benzophenone; |
| 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 Benzophenone 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.
7120 Hayvenhurst Avenue, Suite 320
Van Nuys, CA 91406
Main: (818) 809-2199
Cell: (310) 200-2631
Fax: (424) 243-7689
Email: dgreenbaum@greenbaumlawfirm.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, we 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 Benzophenone 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

| <u>Product</u> | <u>Retailer(s)</u> | <u>Manufacturer(s)/Distributor(s)</u> |
|---------------------------------|--------------------------------|--|
| Lip protector; Skin Care | Amazon.com; Drugstore.com; | Amazon.com, Inc.; Drugstore.com; |
| Moisturizing Product; Sunscreen | Beauty and Supplement Emporium | Beiersdorf, Inc.; Blistex, Inc., Peter Thomas Roth Clinical Skin Care; Rocky Mountain Skiing LLC |

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.

| Product Category | Specific Product | UPC | Sold by | Manufacturer/Distributor |
|-------------------------|--|--------------|--------------------------------|--------------------------------------|
| Lip protector | Aquaphor Broad Spectrum SPF 30 | 072140010119 | Amazon.com | Beiersdorf Inc |
| Lip protector | Blistex Five Star Lip Protection | 041388002231 | Drugstore.com | Blistex, Inc. |
| Skin Care | Peter Thomas Roth Max Sheer All Day Moisture Defense | 670367013243 | Beauty and Supplement Emporium | Peter Thomas Roth Clinical Skin Care |
| Sunscreen | Rocky Mountain Sunscreen Enhanced | 754018250604 | Drugstore.com | Rocky Mountain Skiing LLC |

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 Avenue, 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 March 26, 2015, 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:

| | | |
|-----------------------------|------------------------|--|
| Amazon.com, Inc. | ATTN: CEO or President | 410 Terry Avenue N, Seattle, WA 98109 |
| Corporation Service Company | c/o Amazon.com, Inc. | 300 Deschutes Way SW, Suite 304, Seattle, WA 98501 |
| Beiersdorf, Inc. | ATTN: CEO or President | 45 Danbury Rd., Wilton, CT 06897 |
| c/o Beiersdorf, Inc. | ATTN: Peter Metzger | 31 Blueberry Lane, Darien CT 06820 |
| Blistex, Inc. | ATTN: CEO or President | 1800 Swift Drive, Oak Brook, IL 60523-1574 |
| Blistex, Inc. | ATTN: Justin D. Arch | 1800 Swift Drive, Oak Brook IL 60523 |
| Peter Thomas Roth Labs LLC | ATTN: CEO or President | 460 Park Ave., Floor 16, New York, NY 10022-1829 |
| Peter Thomas Roth LLC | ATTN: CEO or President | 52 E. 73 rd Street, New York NY 10021 |
| Rocky Mountain Skiing LLC | ATTN: CEO or President | 14700 W 66th Pl., Unit 2, Arvada, CO 80004 |
| Rocky Mountain Skiing LLC | ATTN: Robert Severson | 1700 Lincoln Street, Suite 1300, Denver, CO 80203 |

II. California Attorney General (via website Portal): On March 26, 2015, 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 March 26, 2015, 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**

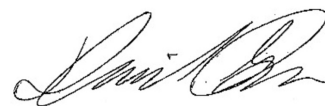
I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

March 26, 2015

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
AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive —
Administration Building
Oroville, CA 95965

District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney
COLUSA COUNTY
346 5th Street, Suite. 101
Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
900 Ward Street
Martinez, CA 94553

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

District Attorney
EL DORADO COUNTY
515 Main Street
Placerville, CA 95667

District Attorney
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2220 Tulare Street, Suite. 1000
Fresno, CA 93721

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Willows, CA 95988

District Attorney
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825 5th Street
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El Centro, CA 92243

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168 North Edwards
Independence, CA 93526

District Attorney
KERN COUNTY
1215 Truxtun Avenue
Bakersfield, CA 93301

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KINGS COUNTY
1400 West Lacey Blvd.
Hanford, CA 93230

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LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

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220 S. Lassen Street, Suite. 8
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Mammoth Lakes, CA 93546

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PO BOX 1131
Salinas, CA 93902

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NAPA COUNTY
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Napa, CA 94559

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NEVADA COUNTY
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Nevada City, CA 95959

District Attorney
ORANGE COUNTY
401 Civic Center Drive West
Santa Ana, CA 92701

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PLACER COUNTY
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Quincy, CA 95971

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Riverside, CA 92501

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901 G Street
Sacramento, CA 95812

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SAN BENITO COUNTY
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Hollister, CA 95023

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SAN BERNARDINO COUNTY
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San Bernardino, CA 92415

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SAN DIEGO COUNTY
330 W. Broadway, Suite 1300
San Diego, CA 92101

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SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
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SAN JOAQUIN COUNTY
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Stockton, CA 95202

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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
Redwood City, CA 94063

District Attorney
SANTA BARBARA COUNTY
1112 Santa Barbara Street
Santa Barbara, CA 93101

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SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

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Redding, CA 96001

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Yreka, CA 96097

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Modesto, CA 95353

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Yuba City, CA 95991

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Red Bluff, CA 96080

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TRINITY COUNTY
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Weaverville, CA 96093

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City Hall, Room 234
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.

March 26, 2015

Daniel N. Greenbaum, Esq.



Date

Printed Name

Signature