

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Lead in Wallets, Handbags, Purses and Clutches Made With Leather, Vinyl or Imitation Leather Materials

July 30, 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 on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least July 30, 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 names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Products: The specific types of products causing these violations are wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials. Non-exclusive examples of these specific types of products are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dyes, paints and other coloring agents used in the products and in the chemicals used in the leather tanning process. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The routes of exposure for the violations are direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in

the products. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of Lead in the products.

**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 or reformulate such products to eliminate the Lead exposures; 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.

**Preservation of Relevant Evidence:**

This Notice also serves as a demand that each alleged violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence or potential presence of Lead in wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of Lead in such products; and representative exemplars of each unit of any such products sold by the alleged violators in the year preceding this Notice.

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**  
**July 30, 2015 Notice of Violation**  
**Lead in Wallets, Handbags, Purses and Clutches**  
**Made With Leather, Vinyl or Imitation Leather Materials**

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p><b>Arcadia Group (USA) Ltd.</b>            Colegrave House            70 Berners Street            London W1T 3NL            United Kingdom</p> <p><b>Top Shop/Top Man Ltd.</b>            Colegrave House            70 Berners Street            London W1T 3NL            United Kingdom</p>	<p>Topshop            Pin Stud Crossbody            Handbag in Mustard</p>	<p>Product No. 24U01HMUS            Item Code No. 18940121</p>
<p><b>B.R.E. Industries, Inc.</b>            1928 S. Santa Fe Avenue            Los Angeles, CA 90021</p>	<p>Charming Charlie            Natalee Crossbody            Clutch in Dark Coral</p>	<p>SKU No. 16547300010            UPC No. 410006729988</p>
	<p>Charming Charlie            Belted Purse in Brown</p>	<p>UPC No. 410005989772</p>
<p><b>H &amp; D Accessories, Inc.</b>            735 E. 12<sup>th</sup> Street, #101            Los Angeles, CA 90021</p>	<p>HD by M            Studded Crossbody            Purse in Rust</p>	<p>Style No. PPC2756RU            SKU No. 16458115201</p>
	<p>On Vacay Tropical            Print Bucket            Handbag in Beige</p>	<p>Item No.            106775-BEIGE-ONESZ            SKU No.            5170095270-9782808888</p>

<p><b>ModMerica Group LLC</b> 401 West A Street Suite 1785 San Diego, CA 92101</p> <p><b>ModMerica Services, LLC</b> 3515 Main Street Suite 201 Chula Vista, CA 91911</p> <p><b>ModMerica Group, Inc.</b> 2765 Main Street Chula Vista, CA 91911</p>	<p>Bright Patent Leather Shoulder Handbag in Yellow</p>	<p>Item No. PP-2137-524-Yellow UPC No. 62103948343755</p>
<p><b>wnDirect USA, Inc.</b> 2851B Alton Parkway Irvine, CA 92606</p> <p><b>wnDirect USA, Inc.</b> 475 Doughty Blvd. Inwood, NY 11096</p>	<p>Topshop Pin Stud Crossbody Handbag in Yellow</p>	<p>Item No. CLE002R-778-Yellow Style No. CLE 002R UPC No. 44001097499946</p> <p>Product No. 24U01HMUS Item Code No. 18940121</p>

**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.

July 30, 2015

  
\_\_\_\_\_  
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 July 30, 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 11:39 A.m. on July 30, 2015:

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

Gary Lieberstein, District Attorney  
Napa County  
931 Parkway Mall  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Dije Ndreu, Deputy District Attorney  
Monterey County  
230 Church Street, Bldg. 2  
Salinas, CA 93901  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

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

Yeng Dang  
Supervising Deputy District Attorney  
Santa Clara County  
70 West Hedding Street, West Wing  
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Phillip J. Cline, District Attorney  
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221 S. Mooney Avenue, Rm. 224  
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Paul E. Zellerbach, District Attorney  
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4075 Main Street  
Riverside, CA 92501  
[Prop65@rivcoda.org](mailto:Prop65@rivcoda.org)

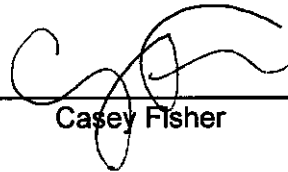
Gregory D. Totten, District Attorney Ventura  
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800 South Victoria Avenue  
Ventura, CA 93009  
[daspecialops@ventura.org](mailto:daspecialops@ventura.org)

Jeff W. Reisig, District Attorney  
301 Second Street  
Woodland, CA 95695  
[cfepd@yolocounty.org](mailto:cfepd@yolocounty.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 July 30, 2015, at San Francisco, California.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Casey Fisher', is written over a horizontal line. The signature is stylized and cursive.

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

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Administration Building  
25 County Center Drive  
Oroville, CA 95965

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County  
891 Mountain Ranch Road  
San Andreas, CA 95249

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Colusa, CA 95932

District Attorney of Del Norte County  
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San Diego, CA 92101

San Francisco City Attorney's  
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City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

San Jose City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

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

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