

60-DAY NOTICE OF VIOLATION

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

DATE: August 14, 2015

To: Niadyne, Inc.; Cosmetic Dermatology; Origins Natural Resources, Inc.; The Body Shop; Clinique Laboratories, Inc.; Skinmedica, Inc.; L’Oreal USA, Inc.; SFR Products; Walgreens Co.; Overstock.com; Amazon.com, Inc.; and

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

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 **August 12, 2014** 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. Exposure to consumers includes, but is not limited to, application to their bodies, their pets or their children. Benzophenone exposure to consumers includes dermal exposure when consumers handle the product (including through cuts and breaks in the skin) and other migration pathways, including but not limited to incidental ingestion after one touches the chemical and then touches 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, 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
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>
Sunscreen; Skin Cream; Nail Polish	Amazon.com; Drugstore.com; Beauty.com; Overstock.com	Niadyne, Inc.; Cosmetic Dermatology; Origins Natural Resources, Inc.; The Body Shop; Clinique Laboratories, Inc.; Skinmedica, Inc.; L'Oreal USA, Inc.; SFR Products

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
Skin Cream	NIA24 Niacin-Powered Skin Therapy	852103000773	Amazon.com	Niadyne, Inc
Skin Cream	Dr. Brandt BB cream	663963008249	drugstore.com	Cosmetic Dermatology
Skin Cream	Origins VitaZing SPF 15	717334162488	drugstore.com	Origins Natural Resources, Inc.
Skin Cream	Aloe Soothing Moisture Lotion SPF 15	5028197951474	beauty.com	The Body Shop
Skin Cream	Clinique even better SPF 20	020714395230	overstock.com	Clinique Laboratories, Inc.
Sunscreen	SkinMedica	367402232102	overstock.com	Skinmedica, Inc.
Skin Cream	Maybelline Dream Nude Airfoam SPF 16	041554274332	beauty.com	L'Oreal U.S.A., Inc.
Nail Polish	Brilliant Due Nail Polish Protector	8010720253114	Amazon.com	SFR Products

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 First Class Mail): On August 14, 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
Amazon.com, Inc.	c/o Corporation Service Company	300 Deschutes Way SW, Suite 304, Seattle, WA 98501
Drugstore.com	ATTN: CEO or President	12835 Old Virginia Rd., Reno, NV 89521
Overstock.com	ATTN: CEO or President	6350 South 3000 East, Salt Lake City, UT 84121
Walgreen Co. for Beauty.com	ATTN: CEO or President	200 Wilmot Rd., Deerfield, IL 60015
Niadyne, Inc	ATTN: President or CEO	601 W 26TH ST RM 1505, NEW YORK, NY 10001-1138
Niadyne, Inc	ATTN: President or CEO	4208 Six Forks Road, 9 th Floor, Raleigh NC 27609
Cosmetic Dermatology	ATTN: President or CEO	8798 NW 15TH ST., MIAMI, FL 33172-3030
c/o Cosmetic Dermatology	ATTN: Kerry Rosenthal	20900 NE 30 th Avenue, Suite 600, Aventura FL 33180
Origins Natural Resources, Inc.	ATTN: President or CEO	7 CORPORATE CENTER DR., MELVILLE, NY 11747-3115
c/o Origins Natural Resources, Inc.	Corp. Service Company	80 State Street, Albany NY 12207
The Body Shop	ATTN: President or CEO	5036 One World Way, Wake Forest, NC 27587
The Body Shop Intl. PLC	ATTN: President or CEO	New City Court, 20 St. Thomas Street, London SE1 9RG UK
Clinique Laboratories, Inc.	ATTN: President or CEO	7 CORPORATE CENTER DR., MELVILLE, NY 11747-3115
c/o Clinique Laboratories, Inc.	Corp. Service Company	80 State Street, Albany NY 12207
Skinmedica, Inc.	ATTN: President or CEO	18655 TELLER AVE., CARLSBAD, CA 92612-1610
Skinmedica, Inc.	ATTN: President or CEO	2525 Dupont Dr., Irvine CA 92612
c/o Skinmedica, Inc.	Corp. Service Company	2710 Gateway Oaks Dr., Suite 150N, Sacramento CA 95833
L'Oreal U.S.A., Inc.	ATTN: President or CEO	50 CONNELL DR., BERKELEY HEIGHTS, NJ 07922-2705
SRF Products	ATTN: President or CEO	1281 Anderson Lane, Suite 1, San Rafael CA 94901

II. California Attorney General (via website Portal): On August 14, 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 August 14, 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**

IV. District and City Attorneys (via email): On August 13, 2015, I served the following persons and/or entities at the last known electronic addresses via email. The transmission was reported as sent without error.

District.Attorney@yolocounty.org

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 14, 2015

NATHAN FORD

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

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DEL NORTE COUNTY
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Crescent City, CA 95531

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Placerville, CA 95667

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168 North Edwards
Independence, CA 93526

District Attorney
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1215 Truxtun Avenue
Bakersfield, CA 93301

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KINGS COUNTY
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney
LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

District Attorney
LASSEN COUNTY
220 S. Lassen Street, Suite. 8
Susanville, CA 96130

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LOS ANGELES COUNTY
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Los Angeles, CA 90012

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209 West Yosemite Avenue
Madera, CA 93637

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3501 Civic Center Drive, Room 130
San Rafael, CA 94903

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Mariposa, CA 95338

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MENDOCINO COUNTY
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Ukiah, CA 95482

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MERCED COUNTY
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Merced, CA 95340

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204 S. Court Street, Room 202
Alturas, CA 96101

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PO BOX 2053
Mammoth Lakes, CA 93546

District Attorney
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Salinas, CA 93902

District Attorney
NAPA COUNTY
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Napa, CA 94559

District Attorney
NEVADA COUNTY
201 Commercial Street
Nevada City, CA 95959

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

District Attorney
PLACER COUNTY
10810 Justice Center Drive
Roseville, CA 95678

District Attorney
PLUMAS COUNTY
520 Main Street, Room 404
Quincy, CA 95971

District Attorney
RIVERSIDE COUNTY
3960 Orange Street
Riverside, CA 92501

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

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SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
San Francisco, CA 94103

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SAN JOAQUIN COUNTY
PO BOX 990
Stockton, CA 95202

District Attorney
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

District Attorney
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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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.

August 12, 2015

Daniel N. Greenbaum, Esq.



Date

Printed Name

Signature