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August 25, 2015

SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 Cal, Health & Safety Code Section 25249.5, *et seq.* ("Proposition 65")

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 Advanced Public Awareness, Inc ("CAPA"), 100 Promenade Circle, Suite 300, Sacramento, CA 95834. CAPA is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Linda DeRose-Doubroy is the Associate Director of and a responsible individual within CAPA.

Description of Violation:

- Violator: The name and address of the violator is:

FOREVER 21.
3880 North Mission Road
Los Angeles, CA 90031

Do Won Chang, CEO/President

- Time Period of Exposure: The violations have been occurring since at least

April 1, 2015, 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 Di-isodecyl (DIDP) Phthalate, and Di-isononyl (DINP)Phthalate and phthalate compounds (“Phthalate”). On April 20, 2007 the State of California listed DIDP as a chemical known to cause developmental delays. On December 20, 2013 the State of California listed DINP as a chemical known to cause cancer. Exposures to the said chemicals occur from use of the products identified in this Notice.
- **Type of Product:** The specific type of product causing these violations is clothing (t-shirts and/or tank tops) made with printed graphic design. A non-exclusive example of this specific type of product are the **DISTRESSED GHOSTBUSTERS MUSCLE TANK** with Ghostbusters image, SKU No.2000081699 and the **CAMERA GRID MUSCLE TEE**, SKU No. 2000097682.

Description of Exposure: This Notice addresses consumer exposures to Phthalate.

Use of the products identified in this Notice results in human exposure to Phthalate. Phthalate is found in the printed graphic 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 graphic printing process. The routes of exposure for the violations are direct ingestion when consumers (including children) place the products in their mouths; ingestion via hand to mouth contact after consumers wear, touch or handle the products; and dermal absorption directly through the skin when consumers wear, touch or handle the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Phthalate.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CAPA intends to file a citizen enforcement lawsuit against the 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 Phthalate exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violator is interested in resolving this dispute without Resort to expensive and time-consuming litigation, please feel free to contact CAPA through its counsel identified below. It should be noted that CAPA 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 CAPA's 60-day Notice. Therefore, while reaching an agreement with CAPA will resolve its claims, such agreement may not satisfy the public prosecutors.

- This Notice also serves as a demand that the 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 Phthalate in clothing made with graphic printed design or similar; 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 CAPA's counsel Andrew M. Friedman, Esq., 16 Court St., Brooklyn, New York 11241, (718) 797-2488, afriedman@friedmansanchez.com.

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

I, Andrew M. Friedman, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney, and I represent the noticing party, the Center for Advanced Public Awareness.

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 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.

August 25, 2015



Andrew M. Friedman

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within action. My business address is 16 Court St., Suite 2600, Brooklyn, New York, 11241.

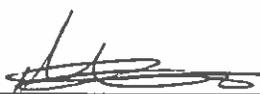
On August 26, 2015, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on the following entities and individuals listed below by placed a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

Do Won Chang, Or Current Chairman and Chief Executive Officer FOREVER 21, INC. 2001 S. Alameda St. Los Angeles, CA 90058	Do Wong Chang, Current CEO/President FOREVER 21, INC. 3880 N. Mission Road Los Angeles, CA 90031
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Name and address of each public prosecutor to whom documents were mailed:

SEE SERVICE LIST ATTACHED	
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Dated: August 26, 2015



Fabien Robley

SERVICE LIST

The Honorable Nancy O'Malley
Alameda County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612

The Honorable Karen Dustman
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