

60-DAY NOTICE OF VIOLATION

(Pursuant to California Health & Safety Code §§ 25249.5, *et seq.*)

September 11, 2015

To: Jack Schwefel, President
Sur La Table, Inc.
6100 4th Avenue, Suite 486
Vancouver, WA 98108

Kyung Rhee, President
Fruits & Passion
21 Rue Paul Gauguin
Candiac, QC J5R 3X8
Canada

CC: California Attorney General's Office;
District Attorney's Offices for All California Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento, and Los Angeles

I. INTRODUCTION

Safe Products for Californians, LLC ("SPFC") is the noticing entity, acting in the interest of the general public. It seeks to reduce or eliminate the presence of hazardous substances in consumer products sold in California, and to ensure that California consumers are aware of the presence of such substances in consumer goods so that they can make an educated effort to limit their own exposure where deemed necessary.

This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code §§ 25249.6, *et seq.* ("Proposition 65"). As noted above, notice is also being provided to the violators, Sur La Table, Inc. and Fruits & Passion (the "Violators"). The violations covered by this Notice consist of the product exposures, routes of exposure, and types of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure:	See Section VII, Exhibit A
Listed Chemical:	Coconut oil diethanolamine condensate (cocamide diethanolamine) ("cocamide DEA")
Routes of Exposure:	Ingestion, Dermal
Types of Harm:	Cancer

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by 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 as far back as July 24, 2015 are subject to this Notice. As a result of sales of these products, exposures to the listed chemical have been occurring without clear and reasonable 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, California citizens 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.

California consumers are exposed to the listed chemical through the act of buying, acquiring or utilizing the products. By way of example but not limitation, direct dermal exposures occur through the reasonably foreseeable use of the products when consumers apply the products to their skin. Ingestion exposure can occur when consumers apply the products to their hands and then later touch food which they subsequently consume or place their hands in or near their mouths.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to SPFC at the following address:

Tanya E. Moore, Esq.
MOORE LAW FIRM, P.C.
332 North Second Street
San Jose, CA 95112
Telephone (408) 298-2000
Email: tanya@moorelawfirm.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’s (“OEHHA”) Proposition 65 Implementation Office at (916) 445-6900. For the Violator’s reference, attached is a copy of “Proposition 65: A Summary,” which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, SFPC intends to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter 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 who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the DEHP exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code § 25249.7(b). If the alleged Violators are interested in resolving

this dispute without resorting to time-consuming and expensive litigation, please feel free to contact SPFC’s counsel identified in Section III above. It should be noted that neither SPFC’s counsel nor SPFC can: (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 this Notice. Therefore, while reaching an agreement with SPFC will resolve its claims, such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL NOTICE INFORMATION

(THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 § 12903(b)(4).)

Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are 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. SPFC believes and alleges 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 a catalog by the Violators and other distributors and retailers of the manufacturer.

<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Cucina Hand Soap with Olive Oil Refill – Lime Zest & Cypress UPC # 7 76288 06065 3	Sur La Table Santa Clara County, CA	Fruits & Passion
Cucina Hand Soap with Olive Oil Refill – Ginger & Sicilian Lemon UPC # 7 7628806064 3	Classic Car Wash Santa Clara County, CA	Fruits & Passion

VII. EXHIBIT A

<i>Product Category/Type</i>	<i>Such As*</i>	<i>Toxins</i>
Liquid Soap	Cucina Hand Soap with Olive Oil Refill UPC # 7 76288 06065 3	Cocamide DEA

*The specifically identified example of the type of product that is subject to this Notice is for the recipients’ benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product Category/Type” in Exhibit A. Further, it is SPFC’s position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients’ custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

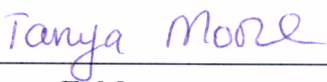
CERTIFICATE OF MERIT

(Pursuant to California Health & Safety Code § 25249.7(d))

I, Tanya E. Moore, 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 the attorney for the noticing party;
3. I have consulted with one or more persons with relevant and appropriate experience or experience who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this action;
4. Based on the information obtained through these 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 plaintiff’s 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; and
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 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).

Dated: September 11, 2015



Tanya E. Moore

CERTIFICATE OF SERVICE BY MAIL

I, Whitney Law, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a citizen of the United States and a resident of the County of Santa Clara. I am over the age of 18 years and not a party to the within action. My business address is 332 North Second Street, San Jose, California, 95112.

2. On September 11, 2015, I served the following documents:
 - 60-Day Notice of Violation
 - Certificate of Merit
 - “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery both by First Class Mail and Certified Mail:

Jack Schwefel, President
Sur La Table, Inc.
6100 4th Avenue, Suite 486
Vancouver, WA 98108

3. On September 11, 2015, I served the following documents:
 - 60-Day Notice of Violation
 - Certificate of Merit
 - “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery both by First Class International Mail and Registered International Mail:

Kyung Rhee, President
Fruits & Passion
21 Rue Paul Gauguin
Candiac, QC J5R 3X8
Canada

4. On September 11, 2015, I served the following documents:

- 60-Day Notice of Violation
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at a United States Postal Service Office for delivery by First Class Mail.

5. On September 11, 2015, I served the following documents:


- 60-Day Notice of Violation
- Certificate of Merit

on the following party by causing a true and correct .PDF copy thereof to be sent via electronic mail to the party listed below, pursuant to Cal. Code Regs., title. 27, § 25903(c)(1):

Yolo County District Attorney
cfepd@yolocounty.org

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

Dated: September 11, 2015



Whitney Law

SERVICE LIST

Alameda County District Attorney 1225 Fallon Street, Suite 900 Oakland, CA 94612	Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	Riverside County District Attorney 3960 Orange Street Riverside, CA 92501	Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403
Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	Lassen County District Attorney 220 South Lassen Street Susanville, CA 96130	Sacramento County District Attorney 901 G Street Sacramento, CA 95814	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354
Amador County District Attorney 708 Court Street Jackson, CA 95642	Los Angeles County District Attorney 210 West Temple Street, Suite 1200 Los Angeles, CA 90012	San Benito County District Attorney 419 4th Street, Second Floor Hollister, CA 95203	Sutter County District Attorney 463 Second Street, Suite 102 Yuba City, CA 95991
Butte County District Attorney 25 County Center Drive Oroville, CA 95965	Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	San Bernardino County District Attorney 303 West 3rd Street, 6th Floor San Bernardino, CA 92415-0502	Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080
Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
Colusa County District Attorney 346 Fifth Street, Suite 101 Colusa, CA 95932	Mariposa County District Attorney 5101 Jones Street, P.O. Box 730 Mariposa, CA 95338	San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103	Tulare County District Attorney 221 South Mooney Boulevard, Rm 224 Visalia, CA 93291-4593
Contra Costa County District Attorney 900 Ward St Martinez, CA 94553	Mendocino County District Attorney 100 North State Street, P.O. Box 1000 Ukiah, CA 95482	San Joaquin County District Attorney 222 East Weber Avenue, Room 202 Stockton, CA 95201	Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	Merced County District Attorney 550 W. Main Street Merced, CA 95340	San Luis Obispo County District Attorney 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408	Ventura County District Attorney 800 South Victoria Avenue, Suite 314 Ventura, CA 93009
El Dorado County District Attorney 515 Main Street Placerville, CA 95667	Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101	San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063	Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
Fresno County District Attorney 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517	Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	Office of the City Attorney, Los Angeles 800 City Hall East 200 North Main Street Los Angeles, CA 90012
Glenn County District Attorney P.O. Box 430 Willows, CA 95988	Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902	Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110	Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
Humboldt County District Attorney 825 5th Street, 4th Floor Eureka, CA 95501	Napa County District Attorney Carithers Building 931 Parkway Mall P.O. Box 720 Napa, CA 94559	Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101
Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959	Shasta County District Attorney 1355 West Street Redding, CA 96001	Office of the City Attorney, San Francisco 1 Dr. Carlton B. Goodlett Place, Room 234 San Francisco, CA 94102
Inyo County District Attorney 168 North Edwards Street Independence, CA 93526	Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	Sierra County District Attorney 100 Courthouse Square Downieville, CA 95936	Office of the City Attorney, San Jose 200 East Santa Clara Street, 16th Floor San Jose, CA 95113
Kern County District Attorney 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301	Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097	
Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	