

SUPPLEMENTAL 60-DAY NOTICE OF VIOLATION

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

Date: February 8, 2016

To:

VIOLATORS	PUBLIC AGENCIES
Amazon.com, Inc. ATTN: Jeff Bezos 1200 12 th Avenue S. Suite 1200 Seattle, WA 98144	California's Attorney General's Office
Amazon.com, Inc. ATTN: Jeff Bezos 410 Terry Avenue N. Seattle, WA 98109	District Attorney's Office for the 58 Counties of California
	City Attorneys for San Francisco, San Diego, San Jose, and Los Angeles

From: Larry Lee

Re: Supplemental 60-Day Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

Dear Sir/Madam:

Acting in the interest of the general public, Larry Lee (hereinafter "Noticing Party") hereby provides notice pursuant to California Health and Safety Code section 25249.7(d) of violations of California Health & Safety Code section 25249.6, et seq. ("Proposition 65"). Mr. Lee's purpose in bringing this enforcement action is to reduce exposure to toxic chemicals in California. Violations are suspected to be occurring in Alameda County and throughout the State of California, pursuant to 27 California Code of Regulations § 25903(c)(3), so notice is being sent to the district attorney for each of the 58 counties in California. Further, the Noticing Party provides this notice to the California Attorney General and the city attorneys for the cities of Los Angeles, San Diego, San Francisco, and San Jose.

Pursuant to 27 California Code of Regulations § 25903(b)(1), attached for Violators (the companies listed above) is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," which is a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment ("OEHHA") of the California Environmental Protection Agency. OEHHA's Proposition 65 Implementation Office may be reached at (916) 445-6900, and the agency posts information about Proposition 65 at: <http://oehha.ca.gov/prop65.html>.

Description of Violation

Exposure:	Consumer
Listed Chemical:	Mercury
Routes of Exposure:	Ingestion, Dermal, Inhalation
Type of Harm:	Developmental Toxin
Included Products:	Skin lightening creams
Examples of Products:¹	Seaweed Cream - Extra Whitening & Facelift (B008XRYQUM); Fresh Face Beauty Cream (B00ZP38YQY); Original Faiza Beauty (B00WORM8R0); Faiza Beauty Cream/ To Remove Freckles & Dark Spots Lot Of 1 Pc 100% Original (B00VOLHLTM); Faiza Beauty Cream - 30 Gram - Whitening Cream - Anti Pimple Cream - Freckle Cream (B00XUY6FL6); Face Fresh Beauty Soap (B00ZP5ASXY); Meiyong Super Extra Whitening Cream Seaweed Face Lift Natural Algae (B00CVJKBDE); Meiyong Brand Super Extra Whitening Cream Seaweed Face Lift (B00VCN3Z7Y); Meiyong Seaweed Extra Whitening Formula And Face Lift Cream (B00AS71WWU); Meiyong Super White Cream Extra Whitening & Face Life Advanced Super Revitalizer (B00HZFSBYU); Meiyong Super Extra Whitening Cream Seaweed Face Lift Natural Algae (B00GX88QIG); 3 Set Meiyong Super Extra Whitening Cream Seaweed Face Lift Natural Algae (B00TS6B9ES); Super Extra Whitening Cream Seaweed Face Lift Natural Algae (B014UU63QU); Meiyong Cream Seaweed Baby Whitening Extra Whitening & Face Lift (B00PZTTW0K); 3 Sets X 3 In 1 Mei - Yong Super Extra Whitening Cream Gaba Rice Mixed Collagen Face Lift Natural Algae 100% Nature (B012BDV1BU); Seaweed Cream-Extra Whitening & Face Lift Set (B00X0WHIFA); Super Extra Whitening Cream Seaweed Face Lift Natural Algae (B014UU65E0); 12 Sets X 3 In 1 Mei - Yong Super Extra Whitening Cream Gaba Rice Mixed Collagen Face Lift Natural Algae 100% Nature.(3 Items In Set)(Whitening + Aging + Reduce Dark Spot + Melasma + Acne) (B012BE4WJM); Meiyong Whitening Cream (B010Y0A0H8); Meiyong Whitening Cream (B00SSPG0ZI); Meiyong Whitening Cream (B00SSPNA6A); Seaweed Cream-Extra Whitening & Face Lift X 1 Pack (B00UPXPMYQ); Meiyong Whitening Cream Reduce Acne Blemishes And Dark Spots (B00TS79EMG); Meiyong Whitening Cream Reduce Acne Blemishes And Dark Spots (B00TS76N66); Mei - Yong Super Extra Whitening Cream Red Apple Mixed Q10 Serum Face Lift Natural Algae 100% Nature (B012BCCQ88); “Mei Yong Soap Seaweed Extra Whitening & Face Lift 65G” (B00DM9XZZ8); Monsepa Express Peeling Remove Dark Spots Face Cream (B0030K8GJY)
Violators:	Amazon.com

¹ These examples are non-exclusive. The number in parentheses following each exemplar is an Amazon.com ASIN under which the exemplar has been offered for sale.

Relevant Period:	From May 2011 until present
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Violators have contravened the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “[no] person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual.” Violators have distributed, marketed, and/or sold Products containing mercury without the warnings required by Proposition 65, dating at least as far back as May 2011, and continuing each day through the present. Without proper warnings, California citizens lack the information necessary to make informed decisions to avoid consumer exposure to the Listed Chemical.

The Products containing mercury are sold by retailer/distributor Amazon.com, Inc. in California in transactions including business-to-business and by internet purchase.

Mercury is an additive to beauty products used to lighten skin, and mercury is known to the State of California to be a developmental toxin. Exposure to consumers has occurred through the act of acquiring, using, and applying the Products. The Products are designed and specifically marketed for direct contact with skin. Inorganic mercury in a skin cream may enter the body through three routes: oral, transdermal absorption, and by inhalation. Oral exposures may occur post-application due to insufficient hand washing prior to eating or preparation of food. The placement of the product directly on the skin allows for transdermal absorption. Mercury creams produce sufficient amounts of mercury vapor to facilitate inhalation as a route of exposure for all household members, including infants and children, who touch and spend time close to the skin of their adult parents.

Communications

Please direct all communication related to this matter to James Birkelund and Rachel Doughty, attorneys for the Noticing Party, at:

James Birkelund
Law Offices of James Birkelund
548 Market St., #11200
San Francisco, CA 94104
T: 415-602-6223; F: 415-789-4556
Email: james@birkelundlaw.com

Rachel Doughty
Greenfire Law
1202 Oregon St.
Berkeley, CA 94702
T: 828-424-2005
Email: rdoughty@greenfirelaw.com


Resolution

To correct the violation occasioned by the failure to warn all consumers of the exposure to mercury, the Noticing Party intends to file a citizen enforcement action against the Violators at the expiration of the 60-day notice period initiated by this letter and required by law before a suit is filed. Cal. Health & Safety Code, § 252549.7(d)(1). Consistent with the public interest mission of this notice letter and to expeditiously rectify these ongoing violations of California law, the

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Noticing Party is open to constructively resolving the violations with a binding written agreement and short of filing suit. This would avoid both unwarned consumer exposures to mercury and the expense and time of litigation.

Sincerely,



Rachel Doughty

Enclosures: Certificate of Merit
Certificate of Service
OEHHA Summary of Proposition 65 (to Violators only)
Supporting Information for Certificate of Merit (to Attorney General only)

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CERTIFICATE OF MERIT

California Health & Safety Code § 25249.7(d)

I, Rachel Doughty, hereby declare:

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

2. I am an attorney for the noticing party(ies).

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 plaintiff's case can be established and that 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), *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.

February 8, 2015



Rachel Doughty

Enclosure (Attorney General copy only)

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PROOF OF SERVICE

I, the undersigned, am over the age of 18 years and not a party to this case.

X I am a resident of or employed in the county where the mailing occurred and my address in that county is: [1202 Oregon Street, Berkeley, CA 94702]. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Post Office.

_____ I am an active member of the State Bar of California (bar number _____).

On the date shown below, I caused to be served the following documents:

- **SUPPLEMENTAL NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5, et seq.**
- **CERTIFICATE OF MERIT**
- **"THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** (served only on alleged violators)
- **CERTIFICATE OF MERIT ATTACHMENTS** (served only on Attorney General)

by having copies of the same enclosed in sealed envelopes addressed to each of the entities shown below and deposited in the U.S. mail with the postage fully prepaid.

Name and address of each alleged violator to whom documents were mailed:

Amazon.com, Inc. ATTN: Jeff Bezos 1200 12 th Avenue S. Suite 1200 Seattle, WA 98144	Amazon.com, Inc. ATTN: Jeff Bezos 410 Terry Avenue N. Seattle, WA 98109
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Name and address of each public prosecutor to whom documents were mailed:

See attached distribution list.

XXXXX by transmitting via e-mail or other electronic transmission the document listed above to the persons at the e-mail addresses set forth below.

Jeffrey B. Margulies
Jade Jurdi
Fulbright & Jaworski LLP
555 South Flower St., 41st Floor
Los Angeles, CA 90071
Email: jeff.margulies@nortonrosefulbright.com
Email: jade.jurdi@nortonrosefulbright.com
Attorneys for Defendant Amazon.com, Inc.

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

Date: February 8, 2016

By: 
Irina Titova

Distribution List

<p>The Honorable Nancy O'Malley District Attorney ALAMEDA COUNTY 1225 Fallon Street, Room 900 Oakland, CA 94612</p>	<p>The Honorable Karen Dustman District Attorney ALPINE COUNTY P.O. Box 248 Markleeville, CA 96120</p>	<p>The Honorable Edward Berberian District Attorney MARIN COUNTY 3501 Civic Center Drive, Room 130 San Rafael, CA 94903</p>	<p>The Honorable Tom Cooke District Attorney MARIPOSA COUNTY P.O. Box 730 Mariposa, CA 95338</p>
<p>The Honorable Todd Riebe District Attorney AMADOR COUNTY 708 Court Street, #202 Jackson, CA 95642</p>	<p>The Honorable Michael Ramsey District Attorney BUTTE COUNTY 25 County Center Drive, Administration Building Oroville, CA 95965</p>	<p>The Honorable C. David Eyster District Attorney MENDOCINO COUNTY P.O. Box 1000 Ukiah, CA 95482</p>	<p>The Honorable Larry Morse II District Attorney MERCED COUNTY 550 West Main Street Merced, CA 95340</p>
<p>The Honorable Barbara Yook District Attorney CALAVERAS COUNTY 891 Mountain Ranch Road San Andreas, CA 95249</p>	<p>The Honorable John Poyner District Attorney COLUSA COUNTY 346 5th Street, Suite 101 Colusa, CA 95932</p>	<p>The Honorable Jordan Funk District Attorney MODOC COUNTY 204 S. Court Street Room 202 Alturas, CA 96101</p>	<p>The Honorable Tim Kendall District Attorney MONO COUNTY P.O. Box 2053 Mammoth Lakes, CA 93546</p>
<p>The Honorable Mark Peterson District Attorney CONTRA COSTA COUNTY 900 Ward Street Martinez, CA 94553</p>	<p>The Honorable Dale P. Trigg District Attorney DEL NORTE COUNTY 450 H Street, Room 171 Crescent City, CA 95531</p>	<p>The Honorable Dean Flippo District Attorney MONTEREY COUNTY P.O. Box 1131 Salinas, CA 93902</p>	<p>The Honorable Gary Lieberstein District Attorney NAPA COUNTY P.O. Box 720 Napa, CA 94559</p>
<p>The Honorable Vernon Pierson District Attorney EL DORADO COUNTY 515 Main Street Placerville, CA 95667</p>	<p>The Honorable Lisa Smittcamp District Attorney FRESNO COUNTY 2220 Tulare Street, Suite 1000 Fresno, CA 93721</p>	<p>The Honorable Clifford Newell Office of the District Attorney NEVADA COUNTY 201 Commercial Street Nevada City, CA 95959</p>	<p>The Honorable Tony Rackauckas District Attorney ORANGE COUNTY 401 Civic Center Drive West Santa Ana, CA 92701</p>
<p>The Honorable Dwayne Stewart District Attorney GLENN COUNTY P.O. Box 430 Willows, CA 95988</p>	<p>The Honorable Maggie Fleming District Attorney HUMBOLDT COUNTY 825 5th Street Eureka, CA 95501</p>	<p>The Honorable R. Scott Owens District Attorney PLACER COUNTY 10810 Justice Center Drive Roseville, CA 95678</p>	<p>The Honorable David Hollister District Attorney PLUMAS COUNTY 520 Main Street, Room 404 Quincy, CA 95971</p>
<p>The Honorable Gilbert G. Otero District Attorney IMPERIAL COUNTY 940 West Main Street, Suite 102 El Centro, CA 92243</p>	<p>The Honorable Thomas L. Hardy District Attorney INYO COUNTY 168 North Edwards Independence, CA 93526</p>	<p>The Honorable Michael Hestrin District Attorney RIVERSIDE COUNTY 3960 Orange Street Riverside, CA 92501</p>	<p>The Honorable Anne Marie Schubert District Attorney SACRAMENTO COUNTY 901 G Street Sacramento, CA 95812</p>
<p>The Honorable Lisa Green District Attorney KERN COUNTY 1215 Truxtun Avenue Bakersfield, CA 93301</p>	<p>The Honorable Keith Fagundes District Attorney KINGS COUNTY 1400 West Lacey Blvd. Hanford, CA 93230</p>	<p>The Honorable Candice Hooper- Mancino District Attorney SAN BENITO COUNTY 419 4th Street Hollister, CA 95023</p>	<p>The Honorable Michael Ramos District Attorney SAN BERNARDINO COUNTY 303 W. Third Street San Bernardino, CA 92415</p>
<p>The Honorable Donald Anderson District Attorney LAKE COUNTY 255 N. Forbes Street Lakeport, CA 95453</p>	<p>The Honorable Stacey L. Montgomery District Attorney LASSEN COUNTY 220 S. Lassen Street, Suite 8 Susanville, CA 96130</p>	<p>The Honorable Bonnie Dumanis District Attorney SAN DIEGO COUNTY 330 W. Broadway, Suite 1300 San Diego, CA 92101</p>	<p>The Honorable George Gascon District Attorney SAN FRANCISCO COUNTY 880 Bryant Street, Third Floor San Francisco, CA 94103</p>
<p>The Honorable Jackie Lacey District Attorney LOS ANGELES COUNTY 210 W. Temple Street Los Angeles, CA 90012</p>	<p>The Honorable David Linn District Attorney MADERA COUNTY 209 West Yosemite Avenue Madera, CA 93637</p>	<p>The Honorable Tori Verber Salazar District Attorney SAN JOAQUIN COUNTY P.O. Box 990 Stockton, CA 95202</p>	<p>The Honorable Dan Dow District Attorney SAN LUIS OBISPO COUNTY Courthouse Annex, 4th Floor San Luis Obispo, CA 93408</p>

<p>The Honorable Stephen Wagstaffe District Attorney SAN MATEO COUNTY 400 County Center, Third Floor Redwood City, CA 94063</p>	<p>The Honorable Joyce Dudley District Attorney SANTA BARBARA COUNTY 1112 Santa Barbara Street Santa Barbara, CA 93101</p>	<p>Los Angeles City Attorney 800 City Hall East 200 N. Main Street Los Angeles, CA 90012</p>	<p>San Francisco City Attorney City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682</p>
<p>The Honorable Jeffrey Rosen District Attorney SANTA CLARA COUNTY 70 West Hedding Street, West Wing San Jose, CA 95110</p>	<p>The Honorable Jeff Rosell District Attorney SANTA CRUZ COUNTY 701 Ocean Street, Room 200 Santa Cruz, CA 95060</p>	<p>Kamala D. Harris California's Office of the Attorney General 455 Golden Gate, Suite 11000 San Francisco, CA 94102-7004</p>	
<p>The Honorable Stephen Carlton District Attorney SHASTA COUNTY 1355 West Street Redding, CA 96001</p>	<p>The Honorable Lawrence Allen District Attorney SIERRA COUNTY 100 Courthouse Square Downieville, CA 95936</p>		
<p>The Honorable James Kirk Andrus District Attorney SISKIYOU COUNTY P.O. Box 986 Yreka, CA 96097</p>	<p>The Honorable Krishna A. Abrams District Attorney SOLANO COUNTY 675 Texas Street, Suite 4500 Fairfield, CA 94533</p>		
<p>The Honorable Jill Ravitch District Attorney SONOMA COUNTY 600 Administration Drive, Room 212J Santa Rosa, CA 95403</p>	<p>The Honorable Birgit Fladager District Attorney STANISLAUS COUNTY 832 12th Street, Suite 300 Modesto, CA 95353</p>		
<p>The Honorable Amanda L. Hopper District Attorney SUTTER COUNTY 446 Second Street, Suite 102 Yuba City, CA 95991</p>	<p>The Honorable Gregg Cohen District Attorney TEHAMA COUNTY P.O. Box 519 Red Bluff, CA 96080</p>		
<p>The Honorable Eric Heryford District Attorney TRINITY COUNTY P.O. Box 310 Weaverville, CA 96093</p>	<p>The Honorable Tim Ward District Attorney TULARE COUNTY 221 South Mooney Blvd., Suite 224 Visalia, CA 93291</p>		
<p>The Honorable Laura Krieg District Attorney TUOLUMNE COUNTY 423 No. Washington Street Sonora, CA 95370</p>	<p>The Honorable Gregory Totten District Attorney VENTURA COUNTY 800 South Victoria Avenue Ventura, CA 93009</p>		
<p>The Honorable Jeffery Reisig District Attorney YOLO COUNTY 301 Second Street Woodland, CA 95695</p>	<p>The Honorable Patrick McGrath District Attorney YUBA COUNTY 215 Fifth Street, Suite 152 Marysville, CA 95901</p>		
<p>San Jose City Attorney 200 E. Santa Clara St. 16th Floor San Jose, CA 95113</p>	<p>San Diego City Attorney Civic Center Plaza 1200 3rd Ave. #1620 San Diego, CA 92101</p>		