

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Cadmium in Jewelry

August 17, 2018

This Notice of Violation (the "Notice") 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 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 August 17, 2015, and are continuing to this day.
- Provision of Proposition 65: This Notice covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is cadmium. Exposures to cadmium occur from handling of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is jewelry. Non-exclusive examples of this specific type of product are identified on the attached Exhibit 1.
- Description of Exposure: Use of the products identified in this Notice results in human exposures to cadmium. Some of the jewelry products at issue are sold with clothing and some are sold independently. The jewelry products are made of materials and components that contain cadmium. For example, the metallic components such as pendants attached to necklaces contain cadmium. The routes of exposure for the violations are ingestion via hand-to-mouth contact after consumers touch or handle the products; direct ingestion when consumers place

the products in their mouths; and dermal absorption directly through the skin when consumers touch, handle, or wear the products. These exposures occur in homes, workplaces and everywhere else throughout California where these products are worn, handled or used. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of cadmium in the products. CEH has issued over twenty-five previous Notices of Violation regarding cadmium in jewelry and those notices, which may be found on the California Attorney General's web site at <http://proposition65.doj.ca.gov/default.asp>, are incorporated herein by reference.

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 cadmium 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 cadmium in jewelry; 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 cadmium in such products; and representative exemplars of each unit of any such products sold by each alleged violator in the year preceding this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Eric S. Somers at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, esomers@lexlawgroup.com.

EXHIBIT 1
August 17, 2018 Notice of Violation
Cadmium in Jewelry

| Names and Addresses of Responsible Parties | Non-Exclusive Examples of the Products |
|---|--|
| <p style="text-align: center;">American Dream Clothing, Inc. 1109 S. Boyle Avenue Los Angeles, CA 90023</p> | <p style="text-align: center;">American Dream Long Gold Necklace with Diamond Shaped Pendant & Tassel (sold with American Dream Scoop Neck Junior Dress in Black) Ross SKU No. 400171627882 Style No. 28835</p> |
| <p style="text-align: center;">American One 215 Southland Mall Drive Hayward, CA 94545</p> <p style="text-align: center;">JCMC Collections, Inc. 403 Southland Mall Hayward, CA 94545</p> | <p style="text-align: center;">Ashley Collection Necklace & Earrings Set in Blue SKU No. 6239166211 Item No. NE49-1662</p> |
| <p style="text-align: center;">Cornerstone Apparel, Inc. 5807 Smithway Street Commerce, CA 90040</p> | <p style="text-align: center;">Papaya Long Gold Necklace with Diamond Shaped Pendant & Tassel (sold with Papaya Striped Dolman Tee in Light Gray) SKU No. 21485213403 Style No. FM7967</p> |
| | <p style="text-align: center;">Papaya Long Gold Necklace with Round Pendant & Tassel (sold with Papaya Striped Blouse in Black & White) SKU No. 1132100268 Style No. FM7680</p> |
| <p style="text-align: center;">Fashion Magazine, Inc. 1100 S. San Pedro Street Suite D-1 Los Angeles, CA 90015</p> | <p style="text-align: center;">Papaya Long Gold Necklace with Diamond Shaped Pendant & Tassel (sold with Papaya Striped Dolman Tee in Light Gray) SKU No. 21485213403 Style No. FM7967</p> |
| | <p style="text-align: center;">Papaya Long Gold Necklace with Round Pendant & Tassel (sold with Papaya Striped Blouse in Black & White) SKU No. 1132100268 Style No. FM7680</p> |

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| <p>La Main Connection Inc. 2011 E. 27th Street Vernon, CA 90058</p> | <p>Paper Plane Long Gold Necklace with Round Pendant & Tassel (sold with Paper Plane Woman's Blouse in Black & Rust) Ross SKU No. 400164691029 Style No. JPT14070</p> |
| | <p>Espresso Long Gold Necklace with Diamond Shaped Pendant & Tassel (sold with Espresso Dress in Sage with Gold Foil) Ross SKU No. 400172356446 Style No. MD13846</p> |
| <p>Line SK, Inc. 728 Jackson Street Los Angeles, CA 90012</p> | <p>Siren Lily Long Gold Necklace with Teardrop Shaped Pendant & Tassel (sold with Siren Lily Paisley Sweater in Navy & Berry) Ross SKU No. 400170540120 Style No. ST6577X</p> |
| <p>Mark-Edwards Apparel, Inc. 8480 Rue Jeanne-Mance Montreal, Quebec H2P-2S3 Canada</p> <p>Mark-Edwards Apparel (USA), Inc. 8480 Rue Jeanne-Mance Montreal, Quebec H2P-2S3 Canada</p> | <p>J for Justify Long Gold Necklace with Round Pendant & Tassel (sold with J for Justify Junior Floral Pattern Dress in Ivory & Mauve) Ross SKU No. 400173231759</p> |
| <p>SJS Apparel, Inc. 1769 E. 41st Place Los Angeles, CA 90058</p> | <p>SJS Long Silver Necklace with Crystals & Dangling Chains Pendant (sold with SJS Denim & Ivy Dress) Ross SKU No. 400169383035 Style No. D1711-EL-RM</p> |
| | <p>SJS Long Silver Necklace with Round Pendant & Tassel (sold with SJS Woman's Floral Dress in Denim & Red) Ross SKU No. 400169981767 Style No. D1713X-SH-RM</p> |


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| <p>That's My Girl, Inc. 68 34th Street, 4th Floor Brooklyn, NY 11232</p> | <p>Glitter Girl Long Silver Necklace with Owl Pendant (sold with Glitter Girl Black & White Gingham Girl's Blouse) Ross SKU No. 400170701750 Lot No. A7885</p> |
| <p>The Skate Group, Inc. 830 E. 14th Place Los Angeles, CA 90021</p> | <p>Vibe Sportswear Long Gold Necklace with Round Pendant & Tassel (sold with Vibe Sportswear Woman's Dress in Black & Mauve) Ross SKU No. 400174369550 Style No. JKD 8170X-N61</p> |
| | <p>Vibe Sportswear Long Gold Necklace with Round Pendant & Tassel (sold with Vibe Sportswear Woman's Dress in Navy & Rose) Ross SKU No. 400169753852 Style No. JKD 7763X-N54</p> |
| | <p>Vibe Sportswear Long Gold Necklace with Round Pendant & Tassel (sold with Vibe Sportswear Junior's Dress in Dark Green) Ross SKU No. 400170967613 Style No. JKD 7920-N61</p> |
| | <p>Vibe Sportswear Long Gold Necklace with Round Pendant & Tassel (sold with Vibe Sportswear Woman's Dress in Black) Ross SKU No. 400172354473 Style No. JKD 7331XDTYBN</p> |
| | <p>Vibe Sportswear Long Gold Necklace with Round Pendant& Tassel (sold with Vibe Sportswear Woman's Striped Dress in Ivy & Mauve) Ross SKU No. 400174369536 Style No. JKD 7763X-N61</p> |

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

I, Eric S. Somers, 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.

August 17, 2018



Eric S. Somers
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

1 **PROOF OF SERVICE**

2

3 I, Nick Redfield, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of
5 California. I am over the age of eighteen (18) years and not a party to this action. My business
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
nredfield@lexlawgroup.com.

7 On August 17, 2018, I served the following document(s) on all interested parties in this
8 action by placing a true copy thereof in the manner and at the addresses indicated below:

9 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
10 TOXIC ENFORCEMENT ACT;**

11 **CERTIFICATE OF MERIT;** and

12 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986**

13 **(PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an
14 asterisk).

15 ☒ **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
16 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
17 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
18 ordinary course of business. On this date, I placed sealed envelopes containing the above
19 mentioned documents for collection and mailing following my firm's ordinary business practices.

20 *Please see attached service list.*

21 ☐ **BY FACSIMILE:** I caused all pages of the document(s) listed above to be transmitted via
22 facsimile to the fax number(s) as indicated and said transmission was reported as complete and
23 without error.

24 ☒ **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
25 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
26 on the date executed.

27 Stacey Grassini, Deputy District Attorney
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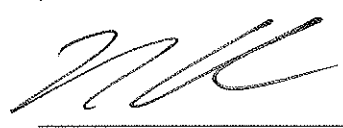
1 ☐ **BY PERSONAL DELIVERY:** I placed all pages of the document(s) listed above in a sealed
2 envelope addressed to the party(ies) listed above, and caused such envelope to be delivered by
hand to the addressee(s) as indicated.

3 ☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility
4 regularly maintained by FedEx, or delivered such document(s) to a courier or driver authorized by
FedEx, with delivery fees paid or provided for, and addressed to the person(s) being served.

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

Executed on August 17, 2018 at San Francisco, California.



Nick Redfield

SERVICE LIST

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