

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Lead in Wallets, Handbags, Purses and Clutches Made With Leather, Vinyl or Imitation Leather Materials

September 28, 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:

**boohoo.com USA, Inc.**  
3 West 13<sup>th</sup> Street  
New York, NY 10011

**boohoo.com UK Limited**  
49/51 Dale Street  
Manchester M1 2HF  
United Kingdom

**boohoo.com USA Limited**  
49/51 Dale Street  
Manchester M1 2HF  
United Kingdom

- Time Period of Exposure: The violations have been occurring since at least September 28, 2015, and are ongoing.
- 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 names of the listed chemicals involved in these violations are lead and lead compounds (“Lead”). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Products: The specific types of products causing these violations are wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials. A non-exclusive example of these specific types of products is the boohoo Yasmin Square Quilted Cross Body Purse in Yellow, Product No. DZZ27044-660-35.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather 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 leather tanning process. The routes of exposure for the violations are direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. No clear and reasonable Proposition 65 warning is provided with these products.

**Resolution of Noticed Claims:**

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree 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 Lead 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 violators are 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 the alleged violators 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 Lead in wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials; 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

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 Howard Hirsch at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, [hhirsch@lexlawgroup.com](mailto:hhirsch@lexlawgroup.com).

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

I, Howard Hirsch, 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.

September 28, 2018

  
Howard Hirsch  
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  
7 nredfield@lexlawgroup.com.

8 On September 28, 2018, I served the following document(s) on all interested parties in  
9 this action by placing a true copy thereof in the manner and at the addresses indicated below:

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

12 **CERTIFICATE OF MERIT;** and

13 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986  
14 (PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an  
15 asterisk).

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

21 *Please see attached service list.*

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

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

28 Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
sgrassini@contracostada.org

Yen Dang  
Supervising Deputy District Attorney  
Santa Clara County  
70 West Hedding Street, West Wing  
San Jose, CA 95110  
epu@da.sccgov.org

Michelle Latimer, Program Coordinator  
Lassen County  
220 S. Lassen Street  
Susanville, CA 96130  
mlatimer@co.lassen.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Suite C  
Napa, CA 94559  
CEPD@countyofnapa.org

1 Stephan R. Passalacqua, District Attorney  
2 Sonoma County  
3 600 Administration Drive, Rm. 212J  
4 Santa Rosa, CA 95403  
5 jbarnes@sonoma-county.org

Mara W. Elliott, City Attorney  
City of San Diego  
1200 Third Ave, Suite 700  
San Diego, CA 92101  
CityAttyCrimProp65@sandiego.gov

4 Phillip J. Cline, District Attorney  
5 Tulare County  
6 221 S. Mooney Avenue, Rm. 224  
7 Visalia, CA 93291  
8 Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
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7 Paul E. Zellerbach, District Attorney  
8 Riverside County  
9 4075 Main Street  
10 Riverside, CA 92501  
11 Prop65@rivcoda.org

Gregory Alker, Assistant District Attorney  
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732 Brannan Street  
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gregory.alker@sfgov.org

11 Jeff W. Reisig, District Attorney  
12 Yolo County  
13 301 Second Street  
14 Woodland, CA 95695  
15 cfepd@yolocounty.org

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Sacramento Country  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

14 Dije Ndreu, Deputy District Attorney  
15 Monterey County  
16 1200 Aguajito Road  
17 Monterey, CA 93940  
18 Prop65DA@co.monterey.ca.us

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4th  
Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

17 Tori Verber Salazar, District Attorney  
18 San Joaquin County  
19 222 E. Weber Avenue, Room 202  
20 Stockton, CA 95202  
21 DAConsumer.Environmental@sjcda.org

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
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20 Christopher Dalbey, Deputy District  
21 Attorney, Santa Barbara County  
22 1112 Santa Barbara Street  
23 Santa Barbara, CA 93101  
24 DAProp65@co.santa-barbara.ca.us

Nancy O'Malley, District Attorney  
Alameda County  
7776 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDPProp65@acgov.org

25  **BY PERSONAL DELIVERY:** I placed all pages of the document(s) listed above in a sealed  
26 envelope addressed to the party(ies) listed above, and caused such envelope to be delivered by  
27 hand to the addressee(s) as indicated.

27  **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility  
28 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 September 28, 2018 at San Francisco, California.



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Nick Redfield

## SERVICE LIST

District Attorney of Alpine County  
P.O. Box 248  
Markleeville, CA 96120

District Attorney of Amador County  
708 Court Street, Ste. 202  
Jackson, CA 95642

District Attorney of Butte County  
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25 County Center Drive  
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San Andreas, CA 95249

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District Attorney of Sutter County  
446 Second Street  
Yuba City, CA 95991

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District Attorney of Yuba County  
215 Fifth Street  
Marysville, CA 95901

Los Angeles City Attorney's Office  
City Hall East  
200 N. Main Street, Rm. 800  
Los Angeles, CA 90012

San Francisco City Attorney's Office  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

San Jose City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

California Attorney General's Office  
Attention: Proposition 65 Coordinator and Robert  
Thomas  
1515 Clay Street, Ste. 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

boohoo.com USA, Inc.\*  
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