



GREENFIRE
LAW, PC

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November 21, 2018

Via Electronic and U.S. Mail

Amazon.com, Inc.
ATTN: Jeff Bezos, CEO
410 Terry Avenue N.
Seattle, WA 98109

Amazon.com, Inc.
ATTN: Jeff Bezos, CEO
1200 12th Avenue S.
Suite 1200
Seattle, WA 98144
prop-65-claim-notices@amazon.com

Re: 60-Day Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) & Demand for Supply Chain Identification

Dear Mr. Bezos:

This firm represents *As You Sow* in connection with this notice of violation of California's Safe Drinking Water and Toxic Enforcement Act ("Proposition 65"), codified at Health & Safety Code §25249.5 et seq. *As You Sow* is a 501(c)(3) non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, and the improvement of worker and consumer rights. *As You Sow* has, since 1992, been one of the leading enforcers of Proposition 65, bringing hundreds of manufacturers and whole industries into compliance as part of its work to promote corporate accountability, ensure safer consumer products, and create a sustainable marketplace that does not degrade the planet.

This Firm and *As You Sow* have documented violations of Proposition 65. This letter serves to provide this Firm's and *As You Sow*'s notification of these violations to you the violator. Pursuant to §25249.7(d) of the statute, this Firm intends to bring an enforcement action on behalf

of *As You Sow* sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

This letter constitutes notice to the addressee that it has violated and continues to violate provisions of Proposition 65 and its implementing regulations. Specifically, the Alleged Violator to which this letter is addressed -- Amazon.com, Inc. ("Violator") -- has violated and continues to violate the warning requirement at section 25249.6 of the California Health & 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[.]"

A summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of this notice served to the Violator. The specific details of the violations that are the subject of this Notice are provided below.

Description of Violations

The Violator has contravened the warning requirement of section 25249.6 of the California Health and Safety Code by manufacturing, producing, packaging, importing, supplying, distributing, selling, transferring, or otherwise providing the consumer products containing mercury listed below directly to consumers through the Violator's website without providing the clear and reasonable warnings required by Proposition 65 and its implementing regulations (including by failing to provide warnings in all languages required), dating at least as far back as 2014, and continuing each day through the present.

- **Time Period of Exposure:** The violations have been occurring since at least 2014 and are continuing to this day.
- **Provision of Proposition 65 Implicated:** This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code, section 25249.6, and its implementing regulations.
- **Chemical Involved:** The listed chemical involved in this notice of violation is mercury and mercury compounds. This chemical is recognized by the State of California as a developmental toxin.
- **Types of Products:** The specific types of products causing the violations are skin-lightening, whitening, and "smoothing" creams containing mercury or mercury compounds, and specifically those listed below in Table 1.

Table 1

Product	Exemplars¹
Goree brand skin lightening and whitening creams	<p>Goree Day & Night Whitening Cream (ASIN B074DVQ78J)</p> <p>Goree Day And Night Cream Dark Circles, SPOTS PIMPLES REMOVING 30g x 1 (ASIN B01JGW2Q8Q)</p> <p>Goree 12 Box*30G : 30G, 12Box Day And Night Cream (ASIN B071F5W69M)</p> <p>12 Box*30G : Day And Night Cream 30G (ASIN B07286YNF6)</p> <p>Goree Day & Night Cream with Goree Cream Combo (ASIN B07FCGTVW1)</p>
Jiaoyan brand skin lightening and whitening creams	Jiaoyan Whitening Skin Care Set (ASIN B01MZDMSDJ)
Be Be brand skin lightening and whitening creams (including anti-freckle and blemish creams)	Be Be Special Cream Round-Yellow (Anti-Freckle, Blemish) (ASIN B075J67ZY9)
CCM brand skin lightening and whitening creams (including anti-freckle and blemish creams)	<p>CCM Perfect 365 Special White Cream (ASIN B00T41L3CU)</p> <p>CCM Anti Freckle & Blemish – Night Cream (ASIN B00P0QXX3A)</p>
Parley brand whitening creams	Parley Herbal Whitening Cream – 100% Natural (ASIN B019C5HKW4)
Polla brand skin lightening and whitening creams (including anti-melasma, acne, and dark spot creams)	<p>X2 PCS SET Polla Anti-melasma, Acne, Dark Spot, Whitening Day & Night Creams 5g (ASIN B0793CZQQZ)</p> <p>Polla Anti-Melasma, Acne, Dark Spot, Whitening Day and Night Cream (ASIN B00B9XBNJE)</p>
KIM brand skin lightening, whitening, and smoothing	Whitening Ginseng and Pearl Snow Lotus Latinal Smoother Face Cream [USA] (ASIN B00N526M70)

¹ The listed exemplars are provided to assist in identification only and are not exhaustive of possible name variations and Amazon Standard Identification Numbers (ASINs) under which the products are or may be listed on Amazon.com.

Product	Exemplars ¹
creams (including anti-wrinkle, anti-acne, anti-freckle and Latinal/Latina creams)	<p>KIM Whitening Ginseng Pearl & Snow Lotus Latinal Smoother Face Cream 20g (ASIN B00XW3XA36)</p> <p>Whitening Ginseng Pearl Snow Lotus Latinal Face Cream Anti Wrinkle Acne Freckle 20g (ASIN B00BQGURJG)</p> <p>Whitening Pearl + Aloe + Collagen + Snow Lotus Latinal Smoother Face Cream 20g. [USA] (ASIN B00CMJVZ3S)</p> <p>1 x Kim Herbal Whitening Turmeric and Snowlotus Herbal Anti-Wrinkle Cream 20g (ASIN B07GTJ78JJ)</p>
Chandni skin lightening and whitening creams	<p>Chandni Whitening Cream (ASIN B074MGFGMF)</p> <p>Chandni Whitening Cream Remove Acne, Wrinkles, Pimples, Dark Spot, Dark Circles (ASIN B072BCBZP3)</p> <p>CHANDNI BEAUTY CREAM 30g (ASIN B07FR916GS)</p> <p>Chandni Whitening Cream (ASIN B074T57XDV)</p>

- Description of Exposures:** This Notice addresses environmental and consumer product exposures to mercury and mercury compounds resulting from the acquisition, purchase, storage, consumption, or reasonably foreseeable use of creams used to lighten, whiten, or “smooth” skin, and their subsequent disposal. Mercury is an additive or active ingredient in such creams. Use and disposal of the items listed above, as well as other items of the same formula, results in human exposures to mercury. Mercury exposure occurs in three main routes: ingestion, inhalation, or dermal absorption. Ingestion may occur post-application due to insufficient hand washing prior to eating or preparing food. Inhalation may occur due to the significant amount of mercury vapor produced by use of these creams, which can affect all household members. Dermal absorption may occur because these products are designed and specifically marketed for direct contact with skin. These exposures occur throughout California in residences where the products are used and in locations in which the products are disposed. Pursuant to California Code of Regulations, title 27, section 25903, subdivision (b)(2)(F), with respect to environmental exposures, you are informed that the exposure for which a warning is required can occur beyond the property owned or controlled by Amazon.com.²

² See Lori Copan, Jeff Fowles, Tracy Barreau, and Nancy McGee, Mercury Toxicity and Contamination of Households from the Use of Skin Creams Adulterated with Mercurous Chloride (Calomel), Int. J.

Pursuant to California Code of Regulations, title 11, section 3100, a Certificate of Merit is attached.³

Resolution of Claims Being Noticed

Based on the allegations set forth in this Notice, the Noticing Party intends to file a citizen enforcement lawsuit against the Violator unless it agrees to remedy the violations set forth above. If the Violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please contact the Noticing Party through its counsel identified below.

Preservation of Relevant Evidence

This Notice also serves as a demand that the 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 mercury released from or during the storage, shipment, transfer, distribution, and use of skin lightening creams; purchases, sales, and customer information for such products; communications with any person relating to actual or potential exposures to mercury from the use of such products; representative exemplars of each unit of any of the brands listed above in Table 1 sold since 2014; the content of internet displays, including text and photos or depictions, for the products causing the violations; and all communications regarding the alleged violations.

Parties

This Notice is provided on behalf of the following person and organization:

As You Sow
1611 Telegraph Ave
Suite 1450
Oakland, CA 94612
(216) 387-1609

The Noticing Parties can be contacted through counsel as identified below:

Rachel Doughty
Greenfire Law, PC
2550 Ninth Street, Ste. 204B
Berkeley, CA 94710
(510) 900-9502
rdoughty@greenfirelaw.com

Environ. Res. Public Health 2015, 12(9), 10943-10954 (available at: <https://www.mdpi.com/1660-4601/12/9/10943>); California Department of Public Health, Mercury in Skin Cream Materials Fact Sheet (available at: <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/EHIB/CPE/Pages/MercuryinSkinCreamMaterials.aspx#>); 21 C.F.R. § 700.13.

³ A second copy of the entire notice and Certificate of Merit is served on the Attorney General, clearly marked "Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040" with all supporting documentation required by Section 3102 attached thereto.

Demand for Supply Chain Contacts

Pursuant to California Code of Regulations title 27, article 6, section 25600.2, subdivision (g) you must promptly provide As You Sow (through its counsel) with the names and contact information for each of the manufacturers, producers, packagers, importers, suppliers, and distributors of each of the products listed above in column 1 of Table 1 (not just the exemplars).

Sincerely,



Rachel Doughty

cc: Attorney General (without Summary and with additional confidential information supporting Certificate of Merit)

District Attorneys and City Attorneys listed in Certificate of Service (without Summary)

Attachments:

- Certificate of Merit (without additional confidential information supporting Certificate of Merit to Attorney General only)
- Certificate of Service
- *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary* ("Summary")

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 parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

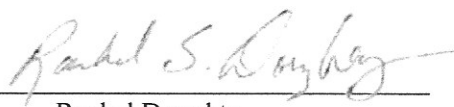
2. I am an attorney for the noticing parties.

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 plaintiffs' 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.

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.

October 5, 2018



Rachel Doughty

Enclosures (Attorney General copy only):

1. Dr. Lee Report and CV
2. Certificate of Merit support for related case (also skin lightening creams containing mercury)
3. Expert disclosure from related case
4. Test results for exemplars listed in this notice
5. Philippine FDA Notice

Distribution List

The Honorable Nancy O'Malley District Attorney ALAMEDA COUNTY 1225 Fallon Street, Room 900 Oakland, CA 94612	The Honorable Michael Atwell District Attorney ALPINE COUNTY P.O. Box 248 Markleeville, CA 96120	The Honorable Edward Berberian District Attorney MARIN COUNTY 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	The Honorable Tom Cooke District Attorney MARIPOSA COUNTY P.O. Box 730 Mariposa, CA 95338
The Honorable Todd Riebe District Attorney AMADOR COUNTY 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael Ramsey District Attorney BUTTE COUNTY 25 County Center Drive, Administration Building Oroville, CA 95965	The Honorable C. David Eyster District Attorney MENDOCINO COUNTY P.O. Box 1000 Ukiah, CA 95482	The Honorable Larry Morse II District Attorney MERCED COUNTY 550 West Main Street Merced, CA 95340
The Honorable Barbara Yook District Attorney CALAVERAS COUNTY 891 Mountain Ranch Road San Andreas, CA 95249	The Honorable Matthew Beauchamp District Attorney COLUSA COUNTY 346 5th Street, Suite 101 Colusa, CA 95932	The Honorable Jordan Funk District Attorney MODOC COUNTY 204 S. Court Street Room 202 Alturas, CA 96101	The Honorable Tim Kendall District Attorney MONO COUNTY P.O. Box 2053 Mammoth Lakes, CA 93546
The Honorable Diana Beaton District Attorney CONTRA COSTA COUNTY 900 Ward Street Martinez, CA 94553	The Honorable Katherine Micks Acting District Attorney DEL NORTE COUNTY 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dean Flippo District Attorney MONTEREY COUNTY P.O. Box 1131 Salinas, CA 93902	The Honorable Allison Haley District Attorney 1127 1st Street, Suite C Napa, CA 94559-2952
The Honorable Vernon Pierson District Attorney EL DORADO COUNTY 515 Main Street Placerville, CA 95667	The Honorable Lisa Smittcamp District Attorney FRESNO COUNTY 2220 Tulare Street, Suite 1000 Fresno, CA 93721	The Honorable Clifford Newell Office of the District Attorney NEVADA COUNTY 201 Commercial Street Nevada City, CA 95959	The Honorable Tony Rackauckas District Attorney ORANGE COUNTY 401 Civic Center Drive West Santa Ana, CA 92701
The Honorable Dwayne Stewart District Attorney GLENN COUNTY P.O. Box 430 Willows, CA 95988	The Honorable Maggie Fleming District Attorney HUMBOLDT COUNTY 825 5th Street Eureka, CA 95501	The Honorable R. Scott Owens District Attorney PLACER COUNTY 10810 Justice Center Drive Roseville, CA 95678	The Honorable David Hollister District Attorney PLUMAS COUNTY 520 Main Street, Room 404 Quincy, CA 95971
The Honorable Gilbert G. Otero District Attorney IMPERIAL COUNTY 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Thomas L. Hardy District Attorney INYO COUNTY 168 North Edwards Independence, CA 93526	The Honorable Michael Hestrin District Attorney RIVERSIDE COUNTY 3960 Orange Street Riverside, CA 92501	The Honorable Anne Marie Schubert District Attorney SACRAMENTO COUNTY 901 G Street Sacramento, CA 95812
The Honorable Lisa Green District Attorney KERN COUNTY 1215 Truxtun Avenue Bakersfield, CA 93301	The Honorable Keith Fagundes District Attorney KINGS COUNTY 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Candice Hooper- Mancino District Attorney SAN BENITO COUNTY 419 4th Street Hollister, CA 95023	The Honorable Michael Ramos District Attorney SAN BERNARDINO COUNTY 303 W. Third Street San Bernardino, CA 92415
The Honorable Donald Anderson District Attorney LAKE COUNTY 255 N. Forbes Street Lakeport, CA 95453	The Honorable Stacey L. Montgomery District Attorney LASSEN COUNTY 220 S. Lassen Street, Suite 8 Susanville, CA 96130	The Honorable Summer Stephens District Attorney SAN DIEGO COUNTY 330 W. Broadway, Suite 1300 San Diego, CA 92101	The Honorable George Gascon District Attorney SAN FRANCISCO COUNTY 880 Bryant Street, Third Floor San Francisco, CA 94103
The Honorable Jackie Lacey District Attorney LOS ANGELES COUNTY 210 W. Temple Street Los Angeles, CA 90012	The Honorable David Linn District Attorney MADERA COUNTY 209 West Yosemite Avenue Madera, CA 93637	The Honorable Tori Verber Salazar District Attorney SAN JOAQUIN COUNTY P.O. Box 990 Stockton, CA 95202	The Honorable Dan Dow District Attorney SAN LUIS OBISPO COUNTY Courthouse Annex, 4th Floor San Luis Obispo, CA 93408

<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 Dennis J. Herrera 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>Xavier Becerra California's Office of the Attorney General 455 Golden Gate, Suite 11000 San Francisco, CA 94102-7004</p>	
<p>The Honorable Stephanie A. Bridgett 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>		