60-DAY NOTICE OF VIOLATION

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

DATE: February 7, 2019

TO: Ethical Products, Inc.; and the public prosecutors listed on the service list accompanying the attached proof of service.

FROM: APS&EE, LLC

I. INTRODUCTION

APS&EE is an organization based in the State of California with an interest in protecting the environment, which includes promoting awareness of exposure to toxic chemicals and reducing exposure to hazardous substances found in consumer products. It is providing this Notice to the violators and the public agencies listed above pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65"). Please direct all questions concerning this Notice to it through its designated person within the entity, its attorney: Lucas T. Novak, Esq., Law Offices of Lucas T. Novak, 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069; Tel: (323) 337-9015; Email: lucas.nvk@gmail.com.

II. NATURE OF THE VIOLATION

A. Violators: Ethical Products, Inc., 27 Federal Plaza, Bloomfield, NJ 07003.

B. Time Period of Exposure: Violations have been occurring since at least February 7, 2016, and continue to occur to this day.

C. Listed Chemicals: Lead.

D. Types of Harm: Lead is listed as known to cause cancer and birth defects or other reproductive harm.

E. Types of Products: The specific type of products causing the violations is Spot Dog Whistles, including #5699. The products are being sold by Violators throughout California. All products within the type covered by this Notice shall be hereinafter referred to as the "products."

F. Routes of Exposure: Ingestion and dermal contact.

G. Description of Exposure: The sales of these products in California dating as far back as February 7, 2016 are subject to this notice. As a result of the 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, including children, through the act of buying, acquiring or using the products, are exposed to the listed

chemical. By way of example but not limitation, exposures occur when California citizens use, display, clean, pack, unpack, arrange, store, mouth, or otherwise handle the products. These actions cause consumers to be exposed directly or indirectly through the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemical. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products as a result of these tasks. People likely to be exposed include both children and adults.

III. PROPOSITION 65 INFORMATION

For the Violators' reference, attached is a copy of "Proposition 65: A Summary" which has been prepared by Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at (916) 445-6900.

IV. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, the noticing party intends to file a Private Enforcer lawsuit against the alleged Violators unless such Violators enters 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 lead 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 expensive and time-consuming litigation, please feel free to contact counsel identified above. It should be noted that a Private Enforcer cannot: (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the Attorney General or any District or City Attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Lucas Novak, Esq. hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and 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 expertise 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 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 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 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 and 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: February 7, 2019

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Lucas Novak, Esq.

PROOF OF SERVICE

I, Lucas Novak, Esq., declare under penalty of perjury:

I am an active member of the California State Bar, a citizen of the United States over the age of 18 years, and not a party to the within action; my business address is 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069.

On February 7, 2019, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65: A SUMMARY (not sent to the public enforcement agencies);

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (served only on the Attorney General)

by placing a true copy thereof enclosed in a sealed envelope with postage for first class mail thereon fully prepaid in Los Angeles, California, in the United States mail addressed as follows, and to the public prosecutors listed in the attached service list:

Ethical Products, Inc. Attn: Current President or CEO 27 Federal Plaza Bloomfield, NJ 07003	

Additionally, on this date, I uploaded the documents listed above to the California Attorney General via its website:

Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550
http://oag.ca.gov/prop65

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses as follows:

District Attorney of Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org	District Attorney of Monterey County PO Box 1131 Salinas, CA 93902 Prop65DA@co.monterey.ca.us	District Attorney of Napa County 931 Parkway Mall Napa, CA 94559 CEPD@countyofnapa.org

District Attorney of Riverside County 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	District Attorney of Santa Clara County 70 W Hedding St San Jose, CA 95110 epu@da.sccgov.org	District Attorney of Sonoma County 600 Administration Dr Sonoma, CA 95403 jbarnes@sonoma-county.org
District Attorney of Tulare County 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	District Attorney of Ventura County 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org	District Attorney of Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354 Prop65@standa.org
District Attorney of Yolo County 301 Second St. Woodland, CA 95695 cfepd@yolocounty.org	District Attorney of Lassen County 220 S. Lassen Street Susanville, CA 96130 mlatimer@co.lassen.ca.us	District Attorney of Sacramento County 901 G Street Sacramento, CA 95814 Prop65@sacda.org
District Attorney of San Francisco County 732 Brannan Street San Francisco, CA 94103 gregory.alker@sfgov.org	District Attorney of San Joaquin County 222 E. Weber Avenue, Rm 202 Stockton, CA 95202 DAConsumer.Environmental @sjcda.org	District Attorney of San Luis Obispo County County Government Center Annex 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us
District Attorney of Santa Cruz County 701 Ocean Street, Rm. 200 Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us	San Diego City Attorney's Office 1200 Third Avenue, Ste 1620 San Diego, CA 92101 CityAttyCrimProp65@sandiego.gov	District Attorney of Santa Barbara County 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us
District Attorney of Alameda County 1225 Fallon Street, Rm 900 Oakland, CA 94612 CEPDProp65@acgov.org		

The electronic transmissions were reported as sent and without error.

Executed on February 7, 2019, at Los Angeles, California.

Lucas Novak, Esq.

SERVICE LIST

Los Angeles City Attorney's Office 800 City Hall East 200 N. Main Street Los Angeles, CA 90012	District Attorney of Alpine County 270 Laramie St., P.O. Box 248 Markleeville, CA 96120	District Attorney of Amador County 708 Court Street, Suite 202 Jackson, CA 95642
District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965	District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Colusa County 547 Market Street, Ste 102 Colusa, CA 95932
District Attorney of Del Norte County 450 H Street, Ste 171 Crescent City, CA 95531	District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Fresno County 2220 Tulare Street, Ste 1000 Fresno, CA 93721
District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Imperial County 940 W. Main Street, Ste 102 El Centro, CA 92243
District Attorney of Inyo County P.O. Drawer D Independence, CA 93526	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Kings County 1400 West Lacey Blvd. Hanford, CA 93230
District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Los Angeles County 211 W. Temple Street, Ste 1200 Los Angeles, CA 90012-3210	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637
District Attorney of Marin County 3501 Civic Center Drive, Rm. 130 San Rafael, CA 94903	District Attorney of Mariposa County 5101 Jones St., P.O. Box 730 Mariposa, CA 95338	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482
District Attorney of Merced County 2222 "M" Street Merced, CA 95340	District Attorney of Modoc County 204 S. Court Street, Rm. 202 Alturas, CA 96101-4020	District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93517
District Attorney of Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701	District Attorney of Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678
District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971	District Attorney of San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415
District Attorney of San Diego County 330 West Broadway San Diego, CA 92101	District Attorney of San Mateo County 400 County Center, 3rd Floor Redwood City, CA 94063	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	Sacramento City Attorney's Office 915 I Street, 4th Floor Sacramento, CA 95814	District Attorney of Shasta County 1355 West Street Redding, CA 96001
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2nd Floor Downieville, CA 95936	District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney of Sutter County 463 2nd Street, Suite 102 Yuba City, CA 95991	District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080
District Attorney of Trinity County P.O. Box 310 Weaverville, CA 96093	District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	