

# Law Offices of John Belcher

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February 21, 2019

## Via First Class Mail

USA Miniso Depot Inc.  
2035 Sunset Lake Rd. Suite B-2  
Newark, DE 19702

Miniso Industries Co. Ltd,  
Flat/Rm D6B, 11/F, BIL AB,  
TML Tower, 3 Hoi Shing Rd,  
Tsuen Wan N.T. Hong Kong, 999077

Miniso Industries Co., Ltd.  
Ginza Kyoya Bldg. 7/F, 3-10-7,  
Ginza, Chuo-Ku, Tokyo Ginza,  
104-0061, Japan

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST  
ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6 et seq.

To Whom It May Concern:

We represent Hunter Bolding ("Bolding"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Bolding has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute provides that "[n]o 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 providing a clear and reasonable warning to such individual ... " Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate ( or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

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Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Belcher intends to file a private enforcement action on behalf of Bolding sixty ( 60) days after effective service of this notice unless the public enforcement agencies<sup>1</sup> I have commenced and are earnestly prosecuting an action to redress these violations.

**Alleged Violator(s):** The name of the company's covered by this notice that violated Proposition 65 (hereinafter "the Violators") are:

USA Miniso Depot, Inc.  
Miniso Co. Ltd.  
Miniso Industries Co., Ltd.  
Miniso

**Product Category/ Type:** The specific type of product causing this violation is:

| Product <sup>2</sup>                                  | Retailer                                                                           | Manufacturer/ Distributor                                                          |
|-------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 6-piece Travel Kit- Plastic Case<br>UPC#4507082209216 | USA Miniso Depot, Inc.<br>Miniso Co. Ltd.<br>Miniso Industries Co., Ltd.<br>Miniso | USA Miniso Depot, Inc.<br>Miniso Co. Ltd.<br>Miniso Industries Co., Ltd.<br>Miniso |

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<sup>1</sup>The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

<sup>2</sup>The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is Bolding's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

**Listed Chemicals:** This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate) or "DEHP". On December 20, 2013, the State of California listed Di(2-ethylhexyl) phthalate as a chemical known to cause reproductive harm. This addition took place more than twenty (20) months before Bolding served this notice.

**Violations:** The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceeds the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive and developmental toxicity for males.

**Routes of Exposure:** The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Given that phthalate plasticizers are not attached to the plastic and can migrate on contact with other surfaces, their presence in consumer products results in exposure to the plasticizers upon contact with human skin. Subsequently, phthalates can enter the body via dermal absorption or ingestion. Initial exposure would result from directly touching or holding the item during normal use. Ingestion would occur from hand to mouth contact, for example, from eating after having handled the item.

**Duration of the Violations:** Each of these ongoing violations has occurred on every day since at least February 8, 2019; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

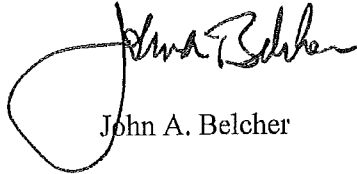
Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, we are interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

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Hunter Bolding has retained us as legal counsel in connection with this matter. Please direct all communications regarding this Notice of Violations to our attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Belcher". The signature is written in a cursive style with a large, looping initial "J".

John A. Belcher

Attachments:

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65):

A Summary

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

I, John A. Belcher, 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 & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the attorney for the noticing party Hunter Bolding.

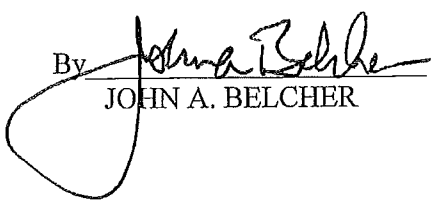
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through these 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 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(s) 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 & Safety Code Section 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 21, 2019

By

  
JOHN A. BELCHER

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this case or action. My business address is:  
150 East Colorado Boulevard, Suite 215, Pasadena, California 91105

A True and Correct copy of the documents entitled **60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** will be served or was served in the manner stated below:

I. Interested Parties (Served via US Mail): On February 22, 2019, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the US Mail, postage prepaid, and addressed as follows:

|                       |                            |                         |
|-----------------------|----------------------------|-------------------------|
| USA Miniso Depot Inc. | Miniso Industries Co. Ltd. | Miniso Industries Co.   |
| 2035 Sunset Lake Rd.  | Ginza Kyoya Bldg. 7/F,     | Ltd, Flat/Rm D6B, 11/F, |
| Suite B-2             | 3-10-7, Ginza, Chuo-Ku,    | BII. AB, TMI. Tower, 3  |
| Newark, DE 19702      | Tokyo Ginza, 104-0061,     | Hoi Shing Rd., Tseun    |
|                       | Japan                      | Wan N.T. Hong Kong,     |
|                       |                            | 999077                  |

II. California Attorney General (via website Portal): On February 22, 2019, I uploaded a true and correct

copy thereof as a PDF file via the California Attorney General's website.

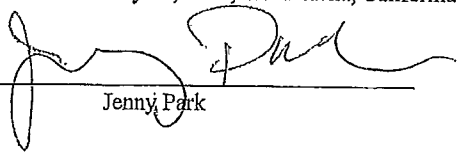
III. District and City Attorneys (via U.S. Mail): On February 22, 2019 I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows:

SEE ATTACHED FOR FULL SERVICE LIST

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

Executed on February 22, 2019, at Pasadena, California.

By

  
Jenny Park