

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Bisphenol A in Socks Made Primarily of Polyester with Spandex

September 10, 2021

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 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Kaya Allan Sugerman is the Illegal Toxic Threats Program Director of and a responsible individual within CEH.

#### Description of Violation:

- Violator: 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 September 10, 2018 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 bisphenol A ("BPA"). Exposures to BPA occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is socks made primarily of polyester with spandex. The products are worn by females.
- Description of Exposure: This Notice addresses female exposures to BPA. Ordinary use of the products identified in this Notice results in human exposures to BPA. BPA is found in, and comes out of, the products. The routes of exposure for the violations are dermal absorption directly through the skin when individuals wear the products, and ingestion via hand-to-mouth contact after individuals touch or handle the products. No clear and reasonable Proposition

65 warning is provided with these products regarding the presence of BPA in the 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 or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the BPA 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 BPA in socks; purchase and usage 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 BPA in such products; and representative exemplars of any such products provided to customers or consumers by the 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 Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, [mtodzo@lexlawgroup.com](mailto:mtodzo@lexlawgroup.com).

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

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has 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 10, 2021



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Mark N. Todzo  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**EXHIBIT 1**  
**September 10, 2021 Notice of Violation**  
**Bisphenol A in Socks Made Primarily of Polyester with Spandex**

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
<p><b>Adidas America, Inc.</b>            5055 N Greeley Ave            Portland, OR 97217</p>	<p>Adidas Women's Socks            (6 Pair)</p>	<p>Style No. 5153620A            C W SL Super No Show            Color: Light Pink/White/Purple Glow            Size 9-11            SKU No. 8-88254-12233-0</p>
<p><b>Dollar Tree Stores, Inc.</b>            500 Volvo Parkway            Chesapeake, VA 23320</p> <p><b>Greenbrier International, Inc.</b>            500 Volvo Parkway            Chesapeake, VA 23320</p>	<p>Angel of Mine Baby Socks</p>	<p>Stage 2, 6-12 Months, 2-piece, SKU            No. 6-39277-94505</p>
<p><b>PGA Tour, Inc.</b>            1 PGA Tour Blvd.            Ponte Vedra Beach, Florida 32082</p> <p><b>Interbrand LLC</b>            225 Dupont Street            Plainview, New York 11803</p>	<p>PGA Tour Pro Series Anti Slip            Heel            (3 Pair)</p>	<p>Women's Shoe Size: 6.5-9.5            Style: PGWS4021-913            SKU: 7-21467-28630-0</p>
<p><b>Iconix Brand Group, Inc.</b>            1450 Broadway, Fl 3            New York, NY 10018</p> <p><b>Majesty Brands, LLC</b>            195 Raritan Center Parkway            Edison, NJ 08837</p>	<p>Danskin No Show Socks            (10 Pair)</p>	<p>Shoe Size: 4-10            DA15717WW-BL            SKU No. 1-90131-07566-1            RN No. 145219</p>
<p><b>Kohl's, Inc.</b>            N56 W17000 Ridgewood Drive            Menomonee Falls, WI 53051</p>	<p>Tek Gear Women's Liner Socks</p>	<p>Style No. 43GE341127KL-BMU            UPC No. 1-93159-10726-0            Size 9-11</p>

<p><b>Marquee Brands LLC</b> 330 W 34<sup>th</sup> Street New York, NY 10001</p> <p><b>BCBG Holdings LP</b> 50 West 57th Street, Floor 5 New York, NY 10019</p> <p><b>BCBG Max Azria Group, Inc.</b> 2761 Fruitland Ave. Vernon, CA 90058</p>	<p>BCBGeneration Socks (10 Pairs)</p>	<p>Sock Size 9-11 Shoe Size 4-10 RN#155293 BCW370-BLK UPC No. 1-94382-03843-7</p>
<p><b>Daytona Apparel Group LLC</b> 15 Riverside Avenue, 1st Fl., Westport, CN 06880</p> <p><b>G.H. Bass &amp; Co.</b> 512 7<sup>th</sup> Ave, 28<sup>th</sup> Floor New York, NY 10018</p>	<p>G.H. Bass &amp; Co. (6 Pack)</p>	<p>One Size RN#161899 UPC No. 7-30838-80662-7</p>
<p><b>FILA U.S.A., Inc.</b> 930 Ridgebrook Road, Suite 200 Sparks, MD 21152</p>	<p>FILA Women's Socks (10 Pack)</p>	<p>Shoe Size 7-10 RN#89888 43FL286736TA-BSH UPC No. 1-93159-05735-0</p>
<p><b>ABG-SLG LLC</b> 1411 Broadway, Fl 4 New York, NY 10018</p> <p><b>Authentic Brands Group LLC</b> 1411 Broadway, 4<sup>th</sup> Fl. New York, NY 10018</p>	<p>Adrienne Vittadini Low Cut Socks (10 Pairs)</p>	<p>Shoe Size: 5-10 UPC No. 4-92613-20319-8</p>
<p><b>V.F. Corporation</b> 1551 Wewatta Street Denver, Colorado 80202</p> <p><b>VF Outdoor, LLC</b> 1551 Wewatta Street Denver, Colorado 80202</p>	<p>Timberland Socks (6 Pairs)</p>	<p>Style No: 43TB300123TA-C81 UPC No. 1-93159-06336-8</p>

<p><b>GMA Accessories, Inc. dba Capelli New York</b> 1 East 33<sup>rd</sup> Street New York, NY 10016</p> <p><b>GMA Accessories, Inc. dba Capelli New York</b> 3 Empire Blvd South Hackensack, New Jersey, 07016</p>	<p>Capelli New York Socks (20 Pairs)</p>	<p>3-12 Months RN#86183 PK28212 SIB-655 UPC No. 1-91730-36069-1</p>
<p><b>Equalizer Accessories Ltd.</b> 930 New Durham Road Edison, NJ 08817</p>	<p>Marvel Super Hero Adventures Socks (10 pack)</p>	<p>Size 6-12M RN#86978 UPC No. 0-81715-94355-4 Style No. SHA213-S</p>

1 **PROOF OF SERVICE**

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3 I, Alexis Pearson, 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  
apearson@lexlawgroup.com.

7 On September 10, 2021, I served the following document(s) on all interested parties in  
8 this 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 ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via  
22 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.  
23 on the date executed.

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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 10, 2021 at San Francisco, California.



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Alexis Pearson

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