

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

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

October 4, 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 October 4, 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.

October 4, 2021



---

Mark N. Todzo  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**EXHIBIT 1**  
**October 4, 2021 Notice of Violation**  
**Bisphenol A in Socks Made Primarily of Polyester with Spandex**

<b>Names and Addresses of Responsible Parties</b>	<b>Non-Exclusive Examples of the Products</b>	<b>Further Description of Non-Exclusive Exemplar</b>
<b>The Gap, Inc.</b> 2 Folsom Street San Francisco, CA 94105	GapFit Ankle Socks (6 Pairs)	One Size UPC: 1-79654-20000-2 RN#54023
<b>RBX Active 02, LLC</b> 18 West Lightcap Road, Suite 759 Pottstown, PA 19464  <b>TRB Acquisitions LLC</b> 34 West 33rd Street, Fl 9 New York, NY 10001	RBX Women's Super Soft No Show Socks (3 Pair)	Sock: 9-11 Shoe: 5-9.5 UPC: 8-06409-02711-8 Style No. RBX115229-117
<b>You and Me Legwear, LLC</b> 10 West 33 <sup>rd</sup> Street, Suite 500 New York, NY 10001	Rampage Quarter Socks (10 Pair)	Size 9-11 Shoe Sizes 9-11 RN#105616
<b>Jefferies Socks, LLC</b> 2203 Tucker Street Burlington, NC 27215	Jefferies Socks Mega Stripe Low Cut in Rainbow (3 Pair)	Toddler Shoe Size: 3-7 UPC: 0-38326-56687-0
<b>Xcel Brands, Inc.</b> 1333 Broadway Fl 10 New York, NY, 10018	Halston Low Cut Socks (10 Pairs)	Shoe Size 4-10 RN#121229
<b>International Intimates Inc.</b> 180 Madison Ave. Fl 7 New York, NY 10016  <b>Bon Bebe Inc.</b> 24 W 33 <sup>rd</sup> Street New York, NY 10001	Rene Rofe Baby Socks (6 Pairs)	UPC No. 0-17036-80155-6 RN#72409

<p><b>Stepping Stones LLC</b>  53 West 36<sup>th</sup> Street  Suite 502  New York, NY 10016</p> <p><b>Bon-Bini LLC</b>  53 West 36<sup>th</sup> Street  Suite 502  New York, NY 10016</p>	<p>Stepping Stones Baby Socks  (10 Pack)</p>	<p>Style No. SGX25037-1  Batch Code: SS 5846/01/21</p>
<p><b>Ty Inc.</b>  280 Chestnut  Westmont, Illinois 60559</p>	<p>TY Sock-A-Boos: Bamboo  Panda</p>	<p>One Size Fits All  UPC: 0-08421-95806-1  Multi Color Ages 6-12</p>
<p><b>I. Spiewak &amp; Sons Inc.</b>  225 West 37th Street Floor 15  New York, NY 10018</p>	<p>Christian Siriano New York  (6 Pair)</p>	<p>Style No. CS961535  RN#110023</p>

1 **PROOF OF SERVICE**

2

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 October 4, 2021, I served the following document(s) on all interested parties in this  
8 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.

24 Stacey Grassini, Deputy District Attorney  
25 Contra Costa County  
26 900 Ward Street  
27 Martinez, CA 94553  
28 sgrassini@contracostada.org

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

Thomas L. Hardy, District Attorney  
168 North Edwards Street  
Independence, CA 93526  
inyoda@inyocounty.us

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

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

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

1	Phillip J. Cline, District Attorney Tulare County 221 S. Mooney Avenue, Rm. 224 Visalia, CA 93291 Prop65@co.tulare.ca.us	Tori Verber Salazar, District Attorney San Joaquin County 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org
4	Paul E. Zellerbach, District Attorney Riverside County 4075 Main Street Riverside, CA 92501 Prop65@rivcoda.org	Christopher Dalbey, Deputy District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us
7	Jeff W. Reisig, District Attorney Yolo County 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	Valery Lopez, Deputy City Attorney 1390 Market Street, 7 <sup>th</sup> Floor Valerie.lopez@sfcityatty.org San Francisco, CA 94102
10	Walter W. Hall, District Attorney Mariposa County P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org	Summer Stephan, District Attorney San Diego County 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcca.org
13	Kimberly Lewis, District Attorney Merced County 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com	Mark Ankorn, Deputy City Attorney San Diego County 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov
16	Jeannine M. Pacioni, Deputy DA Monterey County 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us	Gregory D. Totten, District Attorney Ventura County 800 South Victoria Avenue Ventura, CA 93009 daspecialops@ventura.org
19	Clifford H. Newell, District Attorney Nevada County 201 Commercial Street Nevada City, CA 95959 DA.prop65@co.nevada.ca.us	Athea M. Sargeant, Assistant DA 350 Rhode Island Street San Francisco, CA 94103 Athea.sargeant@sfgov.org
22	Morgan Briggs Gire, District Attorney Placer County Roseville, CA 95678 Prop65@placer.ca.gov	Anne Marie Schubert, District Attorney Sacramento Country 901 G Street Sacramento, CA 95814 Prop65@sacda.org
25	David Hollister, District Attorney Plumas County 520 Main Street Quincy, CA 95971 davidhollister@countyofplumas.com	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

1 Jeffrey S. Rosell, District Attorney  
2 Santa Cruz County  
3 701 Ocean Street  
4 Santa Cruz, CA 95060  
5 Prop65DA@santacruzcounty.us

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

4 Nancy O'Malley, District Attorney  
5 Alameda County  
6 7776 Oakport Street, Suite 650  
7 Oakland, CA 94621  
8 CEPDProp65@acgov.org

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct.

9 Executed on October 4, 2021 at San Francisco, California.

10  
11 

12 \_\_\_\_\_  
13 Alexis Pearson  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



## **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  
Administration Building  
25 County Center Drive  
Oroville, CA 95965

District Attorney of Colusa County  
346 Fifth Street, Suite 101  
Colusa, CA 95932

District Attorney of Del Norte County  
450 H Street, Ste. 171  
Crescent City, CA 95531

District Attorney of El Dorado County  
778 Pacific 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  
939 Main Street, Ste. 102  
El Centro, CA 92243

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  
Hall of Justice  
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 Mendocino County  
P.O. Box 1000  
Ukiah, CA 95482

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 93546

District Attorney of Orange County  
300 N Flower St.  
Santa Ana, CA 92703

District Attorney of San Benito County  
419 Fourth Street, 2<sup>nd</sup> Fl.  
Hollister, CA 95023

District Attorney of San Bernardino County  
316 N. Mountain View Avenue  
San Bernardino, CA 92415

District Attorney of San Mateo County  
400 County Center, 3<sup>rd</sup> Fl.  
Redwood City, CA 94063

District Attorney of Shasta County  
1355 West Street  
Redding, CA 96001

District Attorney of Sierra County  
Courthouse  
100 Courthouse Sq., 2<sup>nd</sup> Fl.  
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 Stanislaus County  
832 12th Street, Ste. 300  
Modesto, CA 95354

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

District Attorney of Tehama County  
P.O. Box 519  
Red Bluff, CA 96080

District Attorney of Trinity County  
P.O. Box 310  
11 Court Street  
Weaverville, CA 96093

District Attorney of Tuolumne County  
423 N. Washington Street  
Sonora, CA 95370

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 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

President/CEO\*  
The Gap, Inc.  
2 Folsom Street  
San Francisco, CA 94105

President/CEO\*  
RBX Active 02, LLC  
18 West Lightcap Road, Suite 759  
Pottstown, PA 19464

President/CEO\*  
TRB Acquisitions LLC  
34 West 33rd Street, FI 9  
New York, NY 10001

President/CEO\*  
You and Me Legwear, LLC  
10 West 33rd Street, Suite 500  
New York, NY 10001

President/CEO\*  
Jefferies Socks, LLC  
2203 Tucker Street  
Burlington, NC 27215

President/CEO\*  
Jefferies Socks, LLC  
P.O. Box 850  
Burlington, NC 27216

President/CEO\*  
Xcel Brands, Inc.  
1333 Broadway FI 10  
New York, NY, 10018

President/CEO\*  
International Intimates Inc.  
180 Madison Ave. FI 7  
New York, NY 10016

President/CEO\*  
Bon Bebe Inc.  
24 W 33rd Street  
New York, NY 10001

President/CEO\*  
Stepping Stones LLC  
53 West 36th Street, Suite 502  
New York, NY 10016

President/CEO\*  
Bon-Bini LLC  
53 West 36th Street, Suite 502  
New York, NY 10016

President/CEO\*  
Ty Inc.  
280 Chestnut  
Westmont, Illinois 60559

President/CEO\*  
I. Spiewak & Sons Inc.  
225 West 37th Street Floor 15  
New York, NY 10018