



ATTORNEYS AT LAW

Tel: 619-629-0527
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225 Broadway, Suite 1900
San Diego, CA 92101

September 17, 2024

Via USPS Mail

Johnson Publishing Company, LLC c/o Illinois Corporation Service Company 801 Adlai Stevenson Drive Springfield, IL 62703-4261	J Publication Company LLC c/o Linda Johnson Rice 1040 N Lake Shore Dr Apt 24A Chicago, IL 60611-1140
KDC/One Social Laboratories, LLC c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901	Port Jervis Laboratories, Inc. c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901
	Current Chief Executive Officer Port Jervis Laboratories, Inc. c/o Nicholas Whitley Park 80 West, Plaza II, Suite, 1000 250 Pehle Avenue Saddle Brook, NJ 07663

Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Environmental Health Advocates, Inc. hereby withdraws its 60-Day Notice of Violation AG 2024-03418, a copy of which is enclosed with this letter.

Please do not hesitate to contact our office with any questions.

Sincerely,

Noam Glick



ATTORNEYS AT LAW

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225 Broadway, Suite 1900
San Diego, CA 92101

August 16, 2024

Via Certified Mail:

Johnson Publishing Company, LLC c/o Illinois Corporation Service Company 801 Adlai Stevenson Drive Springfield, IL 62703-4261	J Publication Company LLC c/o Linda Johnson Rice 1040 N Lake Shore Dr Apt 24A Chicago, IL 60611-1140
KDC/One Social Laboratories, LLC c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901	Port Jervis Laboratories, Inc. c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901
	Current Chief Executive Officer Port Jervis Laboratories, Inc. c/o Nicholas Whitley Park 80 West, Plaza II, Suite, 1000 250 Pehle Avenue Saddle Brook, NJ 07663

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-01355. This notice corrects the entity name for manufacturer Port Jervis Laboratories, Inc.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Titanium dioxide (airborne, unbound particles of respirable size) (“TiO₂”). This chemical was listed as a carcinogen on September 2, 2011.

The specific type of product that is causing exposures in violation of Proposition 65 is powdered face makeup including but not limited to:

	<u>Product Name</u>	<u>Manufacturer(s)</u>	<u>Distributor/Retailer(s)</u>
1.	FF Set It Loose Powder – Cognac Queen	Johnson Publishing Company, LLC J Publication Company LLC KDC/One Social Laboratories, LLC Port Jervis Laboratories, Inc.	Johnson Publishing Company, LLC J Publication Company LLC

The routes of exposure for the violations include inhalation by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least November 2022, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to TiO₂ caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to TiO₂ have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual for the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,

ENTORNO LAW LLP.

Noam Glick
Craig Nicholas
Jake Schulte
Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, 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 section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an 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 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 plaintiff’s 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)(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: August 16, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Jessica Lefford, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On August 16, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Johnson Publishing Company, LLC c/o Illinois Corporation Service Company 801 Adlai Stevenson Drive Springfield, IL 62703-4261	J Publication Company LLC c/o Linda Johnson Rice 1040 N Lake Shore Dr Apt 24A Chicago, IL 60611-1140
KDC/One Social Laboratories, LLC c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901	Port Jervis Laboratories, Inc. c/o Capitol Services, Inc. 108 Lakeland Avenue Dover, DE 19901
	Current Chief Executive Officer Port Jervis Laboratories, Inc. c/o Nicholas Whitley Park 80 West, Plaza II, Suite, 1000 250 Pehle Avenue Saddle Brook, NJ 07663

On August 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On August 16, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On August 16, 2024, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

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

Executed on August 16, 2024, at San Diego, California.

Jessica Lefford