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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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COUNTY OF SAN FRANCISCO

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PEOPLE OF THE STATE OF CALIFORNIA ex. )	No. 938430
rel. DANIEL E. LUNGREN, Attorney )	
General of the State of California, )	CONSENT JUDGMENT AS TO
)	DEFENDANTS BACCARAT,
Plaintiffs, )	INC.; COMPAGNIE DES
)	CRISTALLERIES DE
v. )	BACCARAT (SUED HEREIN
)	AS DOE 4); COMPAGNIE
BACCARAT, INC.; et al., )	DES CRISTALLERIES DE
)	SAINT LOUIS (SUED
Defendants. )	HEREIN AS ST. LOUIS);
)	COMPAGNIE FRANCISE DU
)	CRISTAL-DAUM (SUED
)	HEREIN AS DAUM
)	CORPORATION); LALIQUE
)	S.A. (SUED HEREIN AS
)	LALIQUE)

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1. Introduction

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1.1. On May 16, 1991, the People of the State of California, ex rel. Daniel E. Lungren, ("People") filed a complaint for Civil Penalties and Injunctive Relief ("Complaint") in San Francisco County Superior Court. Baccarat, Inc., Compagnie Francaise du Cristal-Daum (sued herein as Daum Corporation), Lalique S.A. (sued herein as Lalique) and Compagnie

1 Francaise de Saint Louis (sued herein as Saint Louis)  
2 ("Defendants"), have accepted service of this Complaint.

3 1.2. Defendants are corporations that employ more than ten  
4 persons and offer leaded crystal decanters for sale within the  
5 State of California.

6 1.3. People's Complaint alleges that Defendants, through  
7 the sale of leaded crystal decanters to consumers in California,  
8 violated provisions of the Safe Drinking Water and Toxic  
9 Enforcement Act of 1986, Health and Safety Code sections 25249.5  
10 et seq. ("Proposition 65"), and Business and Professions Code  
11 sections 17200 et seq. ("Unfair Competition Act"), by knowingly  
12 exposing persons to a chemical known to the State of California  
13 to cause reproductive toxicity, without first providing a clear  
14 and reasonable warning to such individuals.

15 1.4. For purposes of this Consent Judgment only, the  
16 parties stipulate that this Court has jurisdiction over the  
17 allegations of violations contained in the Complaint and personal  
18 jurisdiction over Defendants as to the acts alleged in the  
19 Complaint, that venue is proper in the County of San Francisco,  
20 and that this Court has jurisdiction to enter this Consent  
21 Judgment as a resolution of the allegations contained in the  
22 Complaint.

23 1.6. The parties enter into this Consent Judgment pursuant  
24 to a full settlement of disputed claims between the parties as  
25 alleged in the Complaint for the purpose of avoiding prolonged  
26 litigation. By execution of this Consent Judgment, Defendants do  
27 not admit any violations of Proposition 65 or the Unfair

1 Competition Act. Nothing in this Consent Judgment shall be  
2 construed as an admission by Defendants of any fact, issue of law  
3 or violation of law, nor shall compliance with the Consent  
4 Judgment constitute or be construed as an admission by Defendants  
5 of any fact, issue of law, or violation of law. Nothing in this  
6 Consent Judgment shall prejudice, waive or impair any right,  
7 remedy or defense Defendants may have in any other or future  
8 legal proceedings. However, this paragraph shall not diminish or  
9 otherwise affect the obligations, responsibilities and duties of  
10 Defendants under this Consent Judgment.

11 2. Injunctive Relief - Warning Program.

12 2.1. Clear and reasonable warning that use of leaded  
13 crystal decanters exposes persons to lead, a chemical known to  
14 the State of California to cause birth defects or other  
15 reproductive harm, shall be provided by the Defendants in the  
16 manner provided in this Consent Judgment. Upon receiving the  
17 written agreement of the Attorney General's Office, a Defendant  
18 may provide warnings in an alternative manner to the requirements  
19 of this Consent Judgment.

20 2.2 No warnings shall be required pursuant to this Consent  
21 Judgment for a particular size, shape or configuration of leaded  
22 crystal decanter in any product line where a Defendant has  
23 provided the Attorney General's Office with adequate data,  
24 including Quality Assurance/Quality Control information,  
25 demonstrating that there is no detectable leaching of lead from  
26 all such decanters then available for sale in California in tests  
27 performed according to the protocol set forth in the attached

1 Exhibit A, at least sixty (60) days in advance of making such  
2 product available for sale in the State of California, unless the  
3 Attorney General notifies the Defendant in writing that the State  
4 objects to the claims made for the data within that sixty (60)  
5 day period. If the Attorney General objects to modification of  
6 the warning within sixty (60) days from the date of receipt of  
7 all required data, then Defendants may apply to the Court by  
8 noticed motion for an order modifying the Consent Judgment and  
9 the Consent Judgment shall be modified as to the leaded crystal  
10 decanter tested if the Court determines that the data are valid  
11 and that the tests were performed according to the appropriate  
12 protocol set forth in Exhibit A.

13       2.3 By no later than March 30, 1996 each Defendant or an  
14 entity acting on its behalf, shall mail to the central purchasing  
15 office for all distributors and retail stores with whom it  
16 transacts business for sale in California of leaded crystal  
17 decanters for which warnings are required: 1) At least five  
18 copies of the sign contained in Exhibit B ("Warning Sign")  
19 printed on 65-pound cover stock. The Warning Sign shall be 8-  
20 1/2" by 11" in size and shall have the exact content, form, and  
21 print style as Exhibit B. 2) A letter explaining the warning  
22 program and providing posting instructions. The letter and  
23 warning instructions referred to in this Paragraph shall contain  
24 the text shown in Exhibit C, and shall contain no further  
25 information or statements without advance written approval of the  
26 Attorney General's Office. Said items shall be sent to all  
27 retail customers regardless of size, by certified mail, return

1 receipt requested.

2       2.4 In the event that a defendant does not receive a return  
3 receipt from the certified mailing referred to in paragraph 2.3  
4 above, the defendant shall contact the distributor or retail  
5 store to verify the address and remail the material referred to  
6 in paragraph 2.3 above by certified mail, return receipt  
7 requested.

8       2.5 Any defendant who has already sent out a copy of the  
9 warning sign contained in Exhibit B and a letter of explanation  
10 pursuant to the settlement in Mangini v. Action Industries, et  
11 al., Superior Court for the City and County of San Francisco,  
12 Consolidated Nos. 932724, 931884, 938173, shall be deemed to have  
13 complied with the requirements of paragraphs 2.3 and 2.4 above as  
14 to the distributors and retail stores that received the warning  
15 sign and letter of explanation.

16       2.6 In the event that a defendant transacts business with a  
17 new distributor or retail store after the date of this  
18 settlement, it shall send the Warning Sign (Exhibit B) and letter  
19 (Exhibit C) to the new company in the manner set forth in  
20 paragraphs 2.3 and 2.4 above prior to shipping any leaded crystal  
21 decanters to the new distributor or retail store.

22       2.7 Warning Signs shall be placed in each California retail  
23 establishment in which any of the Defendants' leaded crystal  
24 decanters are sold by no later than April 15, 1996. Where a  
25 retail establishment has already posted and continues to post a  
26 warning sign pursuant to the terms of the settlement in Mangini  
27 v. Action Industries, et al., Superior Court for the City and

1 County of San Francisco, Consolidated Nos. 932724, 931884,  
2 938173, it shall be deemed to have complied with the requirements  
3 of this paragraph. Where a retail establishment sells only  
4 leaded crystal decanters that do not require a warning, it is not  
5 required to post the Warning Sign. Warning Signs shall not be  
6 covered or obscured, and shall be placed and displayed in a  
7 manner rendering them likely to be read and understood by an  
8 ordinary individual under customary conditions of purchase.  
9 Specifically, such signs shall be placed as follows:

10           a.       Department Stores or other stores with separate  
11 check-out for tableware department: For a store selling leaded  
12 crystal decanters in a physically separate department or section,  
13 which contains cash registers within such department or section  
14 that are used primarily to purchase items sold in that department  
15 or section, signs shall be placed at each cash register in that  
16 section or department, and at a minimum of two additional  
17 locations where leaded crystal decanters are displayed within the  
18 section or department;

19           b.       Large stores without a separate check-out for  
20 tableware department: Any store that sells leaded crystal  
21 decanters and has more than 7,500 square feet of floor space and  
22 that uses one or more check-out stands for all merchandise  
23 purchased at the store, shall post a single sign at each location  
24 where leaded crystal decanters are displayed, plus as many  
25 additional signs as are necessary to assure that any potential  
26 purchaser of tableware would be reasonably likely to see a  
27 Warning Sign.

1           c.     Small stores without a separate check-out for  
2 tableware department: Any store that sells leaded crystal  
3 decanters and has less than 7,500 square feet of total floor  
4 space, and uses one or more check-out stands for all merchandise  
5 purchased at the store, shall either (a) post a sign at each cash  
6 register in the store and at a minimum of two additional  
7 locations where leaded crystal decanters are displayed within the  
8 store, or (b) post a single sign at each location where leaded  
9 crystal decanters are displayed, plus as many additional signs as  
10 are necessary to assure that any potential purchaser of tableware  
11 would be reasonably likely to see a Warning Sign.

12           2.8 By no later than March 30, 1996 each Defendant, or an  
13 entity acting on its behalf, shall mail to the central purchasing  
14 office for each mail order house which it knows or has reason to  
15 know sells such a Defendant's leaded crystal decanters for which  
16 warnings are required to residents of California by mail: 1) a  
17 copy of the Warning Sign and 2) a letter explaining the warning  
18 program and providing instructions for distribution of the  
19 warning to California consumers. The letter and instructions  
20 referred to in this paragraph shall contain the text shown in  
21 Exhibit D and shall contain no further information or statements  
22 without the advance written approval of the California Attorney  
23 General's Office. Said items shall be sent to all mail order  
24 houses regardless of size, by certified mail, return receipt  
25 requested.

26           2.9 In the event that a defendant does not receive a return  
27 receipt from the certified mailing referred to in paragraph 2.8

1 above, the defendant shall contact the company to verify the  
2 address and remail the material referred to in paragraph 2.8  
3 above by certified mail, return receipt requested.

4       2.10 In the event that a defendant transacts business with a  
5 mail order company after the date of this settlement, it shall  
6 send the Warning Sign (Exhibit B) and letter (Exhibit D) to the  
7 new mail order company in the manner set forth in paragraphs 2.8  
8 and 2.9 above prior to shipping any leaded crystal decanters to  
9 the new mail order company.

10       2.11 Any defendant who has already sent out a copy of the  
11 warning sign contained in Exhibit B and a letter of explanation  
12 pursuant to the settlement in Mangini v. Action Industries, et  
13 al., Superior Court for the City and County of San Francisco,  
14 Consolidated Nos. 932724, 931884, 938173, shall be deemed to have  
15 complied with the requirements of paragraphs 2.8 and 2.9 above as  
16 to the mail order companies that received the warning sign and  
17 letter of explanation.

18       2.12 Where a Defendant's leaded crystal decanters for which  
19 warnings are required are available for sale by mail order to  
20 residents of the State of California, clear and reasonable  
21 warning shall be provided by no later than April 15, 1996 by  
22 including a warning, either in the mail order catalog or brochure  
23 or with the leaded crystal decanters when it is shipped to  
24 California customers, as follows:

25       a.       Mail Order Catalog or Brochure. The following  
26 warning message shall be stated within the catalog or brochure,  
27 on the inside front cover, on the same page as any order form, or



1 on the same page as the price, in at least 12 point type: "Prop  
2 65 WARNING: Use of the leaded crystal decanters for sale in this  
3 catalog or brochure will expose you to lead, a chemical known to  
4 the State of California to cause birth defects or other  
5 reproductive harm." If not all of the items for sale in the  
6 catalog or brochure require a warning, the following shall be  
7 used as an alternative to the preceding warning message: "Prop  
8 65 WARNING: Use of the following brands of leaded crystal  
9 decanters for sale in this catalog or brochure will expose you to  
10 lead, a chemical known to the State of California to cause birth  
11 defects or other reproductive harm: [Insert List of Brand Names  
12 and Exceptions]."

13           b. Package Insert or Label. Alternatively, a warning  
14 may be provided with the leaded crystal decanters when they are  
15 shipped, by (a) inserting a card or slip of paper measuring at  
16 least 4" by 6" in the shipping carton, (b) affixing a pressure-  
17 sensitive label measuring at least standard business-card size on  
18 the face of the shipping carton, or (c) printing the warning on  
19 the packing slip or customer invoice identifying the leaded  
20 crystal decanters in lettering of the same size as the  
21 description of the leaded crystal decanters. The warning shall  
22 read as follows: "Prop 65 WARNING: Use of this product will  
23 expose you to lead, a chemical known to the State of California  
24 to cause birth defects or other reproductive harm. You may  
25 return this product for a full refund within 30 days of receipt,  
26 if you wish. You also may obtain a list of each brand of leaded  
27 crystal decanters sold by this company for which the same warning

1 is given." Upon request of the person receiving that warning,  
2 the mail order house shall provide a list of each brand of leaded  
3 crystal decanter sold by that mail-order house for which a  
4 warning is required.

5 2.13 Where a mail order company has already provided and  
6 continues to provide a warning pursuant to the terms of the  
7 settlement in Mangini v. Action Industries, et al., Superior  
8 Court for the City and County of San Francisco, Consolidated Nos.  
9 932724, 931884, 938173, it shall be deemed to have complied with  
10 the requirements of paragraph 2.12 above.

11 2.14 Any Defendant that has complied with the terms of  
12 Paragraphs 2.3, 2.4, 2.5, 2.6, 2.8, 2.9, 2.10, 2.11 of this  
13 Consent Judgment shall not be found to have violated this Consent  
14 Judgment where a retail store, distributor, mail order supplier,  
15 or any other person required to provide Proposition 65 warnings  
16 for leaded crystal decanters fails to provide such warnings.

17 3. Penalties and Costs

18 3.1. Within thirty (30) days of execution of this Consent  
19 Judgment, Defendants shall pay a civil penalty pursuant to Health  
20 and Safety Code section 25249.7(b) as follows: Baccarat -  
21 \$19,700; Daum - \$3,200; Lalique - \$2,100; St. Louis - \$1,250.  
22 Payment shall be made by delivery of certified funds payable to  
23 the Attorney General of the State of California to 2101 Webster  
24 Street, 12th Floor, Oakland, California, 94612-3049 (Attn: Edward  
25 G. Weil, Deputy Attorney General).

26 4. Litigation Costs

27 4.1. Within thirty (30) days of execution of this Consent

1 Judgment, Defendants shall pay the following sums of money to the  
2 Attorney General as reimbursement for the costs of investigating  
3 and prosecuting this action: Baccarat - \$9,844; Daum - \$1,600;  
4 Lalique - \$1,040; St. Louis - \$600. Payment shall be made by  
5 delivery of certified funds payable to the Attorney General of  
6 the State of California to 2101 Webster Street, 12th Floor,  
7 Oakland, California, 94612-3049 (Attn: Edward G. Weil, Deputy  
8 Attorney General).

9 5. Additional Enforcement Actions; Continuing Obligations

10 5.1. By entering into this Consent Judgment, the People do  
11 not waive any right to take further enforcement actions on any  
12 violations not covered by the Consent Judgment and Complaint.  
13 Nothing in this Consent Judgment shall be construed as  
14 diminishing each Defendant's continuing obligation to comply with  
15 Proposition 65 or the Unfair Competition Act in its future  
16 activities.

17 6. Enforcement of Consent Judgment

18 6.1. The People may, by motion or order to show cause  
19 before the Superior Court of San Francisco, enforce the terms and  
20 conditions contained in the Consent Judgment. In any action  
21 brought by People to enforce the Consent Judgment, People may  
22 seek whatever fines, costs, penalties or remedies are provided by  
23 law for failure to comply with the Consent Judgment; and where  
24 said violations of this Consent Judgment constitute subsequent  
25 violations of Proposition 65 or other laws independent of the  
26 Consent Judgment and/or those alleged in the Complaint, People  
27 are not limited to enforcement of the Consent Judgment, but may

1 seek in another action whatever fines, costs, penalties or  
2 remedies are provided for by law for failure to comply with  
3 Proposition 65 or other laws.

4       7.    Application of Consent Judgment

5       7.1.  The Consent Judgment shall apply to and be binding  
6 upon the parties, their divisions, subdivisions, and  
7 subsidiaries, and the successors or assigns of any of them.

8       8.0   Application of Testing Standard and Protocol

9       8.1  The testing standard and protocol set forth in the  
10 Exhibit A is based on determinations concerning the nature of the  
11 laboratory test used and its relationship to actual and specific  
12 conditions of decanter use.  This Judgment, including but not  
13 limited to this standard and protocol, is the product of  
14 negotiation and compromise and is accepted by the parties, for  
15 purposes of settling, compromising and resolving issues disputed  
16 in this action, including future compliance by the defendants  
17 with Section 2 of this Judgment, and shall not be used for any  
18 other purpose, or in any other matter and shall not constitute an  
19 adoption or employment of a method of analysis for a listed  
20 chemical in a specific medium as set forth in 22 C.C.R. section  
21 12901(b).

22       9.    Authority to Stipulate to Consent Judgment

23       9.1.  Each signatory to this Consent Judgment certifies that  
24 he or she is fully authorized by the party he or she represents  
25 to stipulate to this Consent Judgment and to enter into and  
26 execute the Consent Judgment on behalf of the party represented  
27 and legally to bind that party.

1           10.   Claims Covered

2           10.1. This Consent Judgment is a final and binding  
3 resolution between the People and each defendant of any alleged  
4 violation of Proposition 65 and of Business and Professions Code  
5 Sections 17200 et seq. up through the date of execution of this  
6 agreement, arising from failure to warn of exposure to lead from  
7 use of any decanters manufactured by the named Defendants or any  
8 corporate affiliate, that was committed by the named Defendants  
9 or by any entity within its chain of distribution, including, but  
10 not limited to, distributors, wholesalers and retailers of those  
11 decanters.

12           11.   Retention of Jurisdiction

13           11.1. This Court shall retain jurisdiction of this matter  
14 to implement the Consent Judgment.

15           12.   Execution in Counterparts

16           12.1. The stipulations to this Consent Judgment may be  
17 executed in counterparts, which taken together shall be deemed to  
18 constitute one and the same document.

19 IT IS SO STIPULATED:

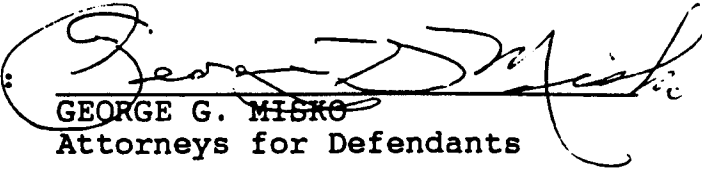
20 Dated: 1/16, 1996

DANIEL E. LUNGREN, Attorney  
General of the State of  
California  
RODERICK E. WALSTON  
Chief Assistant Attorney General  
THEODORA BERGER  
Assistant Attorney General  
CRAIG C. THOMPSON  
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26 By: *Susan S. Fiering*  
SUSAN S. FIERING  
Deputy Attorney General  
Attorneys for People

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Dated: Jan. 15, 1996 KELLER AND HECKMAN  
JEROME H. HECKMAN  
RALPH A. SIMMONS  
GEORGE G. MISKO

By:   
GEORGE G. MISKO  
Attorneys for Defendants

IT IS SO ORDERED, ADJUDGED AND DECREED.

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

# **EXHIBIT A**

1 EXHIBIT A

2 LEAD TESTING PROTOCOL FOR DECANTERS

3 Introduction

4 The purpose of this protocol is to set forth an analytical  
5 method, including appropriate specifications and test conditions,  
6 that may be routinely used to assess whether decanters are  
suitable under Proposition 65 with respect to the potential for  
lead migration.

7 Samples

8 Each company shall test, at a minimum, six randomly selected  
9 samples of the "worst case" decanter type of a particular  
"product line" using "unused decanters" for each experiment. If  
10 any of the six samples test above the detection limit of 25 ppb,  
then each company shall either provide the Proposition 65 warning  
or shall test a number of randomly selected "worst case"  
11 decanters sufficient to establish that, after accounting for the  
deviation among the results of the sampled decanters, there is a  
12 95% statistical confidence that the test result of the actual  
population from which the sample is drawn is less than or equal  
13 to the 5 ppb level.

A "product line" is defined as a group of decanters  
14 manufactured by the same process, which is composed of pieces of  
the same general design and appearance, but may have some  
15 variation with regards to size or shape. The "worst case"  
decanter type of a particular product line is the article type  
16 that is shipped for sale in California at the time of testing  
that is likely to generate the highest lead concentration result  
17 on the lead leaching test based on criteria such as surface to  
volume ratio. An "unused decanter" is one that has not been  
18 previously extracted or washed with any medium subsequent to the  
manufacturing process, except as provided in the testing  
19 procedure described below.

Once the worst case decanter type of a particular product  
20 line has been identified, the actual test articles shall be  
randomly selected using any generally accepted random sampling  
21 method such as International Standards Organization 2859-1  
(1989), or any random method described in Quality Control  
22 Handbook, J.M. Juran, Ed. (3d Edition, 1962), Chapter 24.

The lot, batch, or other group from which the worst case  
23 decanter type to be tested are drawn must be representative of  
the entire population of the worst case decanter type of that  
24 product line manufactured in the calendar year or since the date  
of the last test. In order to accomplish this, a manufacturer  
25 must insure that its manufacturing process for a particular worst  
case decanter type chosen for testing from the product line did  
26 not change during the calendar year or since the last test. A  
manufacturing process change will be deemed to have occurred if  
27 there is a material change in the manufacturing process that is  
reasonably expected to affect lead migration in any manner from



1 the decanter to beverages which may be in contact with it or if  
2 there is a material change in any physical properties of the  
3 decanter, including but not limited to an increase in the surface  
4 area of the decanter in relation to the decanter volume by more  
5 than ten percent, that is reasonably expected to affect lead  
6 migration in any manner. If there is such a change, the  
7 manufacturer shall retest the product in accordance with the  
8 testing program to determine whether warnings are required.

9 If any of the six decanters tested show results above the  
10 detection limit of 25 ppb, or if the number of decanters tested  
11 do not establish that, after accounting for the deviation among  
12 the results of the sampled decanters, there is a 95% statistical  
13 confidence that the test result of the actual population from  
14 which the sample is drawn is less than or equal to the 5 ppb  
15 level, the entire product line represented by those decanters  
16 shall be deemed to require a warning pursuant to Proposition 65.

#### 17 Food-Simulating Liquid

18 Four percent acetic acid solution should be used to simulate  
19 or slightly exaggerate alcoholic beverages. Before performing  
20 the extraction studies, the background level of lead in the test  
21 liquid should be determined.

#### 22 Time/Temperature

23 The decanters should be thoroughly rinsed with water  
24 containing a mild detergent, followed by distilled water, and  
25 then thoroughly dried. The decanters should then be filled to 1  
26 cm below the stopper area with 4% acetic acid at 22 degrees  
27 centigrade and the stopper reinserted. The filled decanters  
should be stored at this temperature for 24 hours.

#### 28 Analytical Methodology

29 Analysis should be performed using an atomic absorption  
30 spectrometer, having a limit of detection (LOD) for lead of  
31 approximately 25 parts per billion (i.e. 25 ug/L) or lower.  
32 Where samples of the decanter test liquid exhibit lead levels  
33 below the LOD, these samples should be spiked by the addition of  
34 a standard lead solution to a concentration of approximately 25  
35 parts per billion to validate the detection limit. Where samples  
36 of the decanter test liquid exhibit lead levels about the LOD, at  
37 least one such sample should be spiked by the addition of a  
standard lead solution to a concentration about twice that of the  
unspiked sample, and the percentage recovery of lead determined  
and reported.

#### 38 Quality Control/Quality Assurance

39 As part of the testing program, each company shall maintain

1 the following records, or require by contract that any laboratory  
conducting testing shall maintain the following records and will  
2 provide them to the company upon request:

3 A. Records kept in the normal course of business showing  
the maintenance and calibration of equipment used to conduct the  
testing program;

4 B. Individual test results of all tests conducted as part  
of the Testing Program;

5 Provided that the company shall not be required to maintain the  
above records for any test for more than two years after that  
6 test was conducted.

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# **EXHIBIT B**

# PROP 65

# WARNING

## LEADED CRYSTAL

Consuming foods or beverages that have been kept or served in the following brands of leaded crystal exposes you to lead, a chemical known to the State of California to cause birth defects or other reproductive harm:

ACC/RACC	Ceska	Doulton	Inn	Noritake	Royal Monarch	Tiffany & Co.*
Action	Christian Dior	International	Irena	Ofnah	Saint Louis	Tiffin
Industries/ International	Christopher	Dublin	Irgia	Oneida	Sasaki	Tipperary
American Glass	Stuart	Edinburgh	Jonal	Orrefors*	Savoir Vivre	Toscany
Works	Cristal De	Emerald Isle	Kagami	Oscar De	Schonwald	Classics
Annahutte	Sevres	Euport	Kosta Boda*	La Renta	Schott	Tudor
Astral	Cristallerie	Fabrege	Lalique	Pasabahce	Sculptured	Tyrol*
Atlantis	Zwiesel	Fifth Avenue*	Legacy	Polo/Ralph	Slovakia	Tyrone
Baccarat*	Cristalleries de	Fostoria	Lenox	Lauren*	Spiegelau	Val Saint
Badash	Lorraine CL	Gallia	Leupold	Primavera Di	St. Brendan	Lambert
Beyer	Crystal Clear	Galway	Lorri	Cristallo	St. George	Vienna Design
Bohemia	Crystal Legends	Godinger	LS Collection	Riedel	Stefan	Villeroy &
Byrdes	Colle	Gorham	Magic	Rogaska	Stolichnaya	Boch
C.A.L.P.	Colony	Hermes	Marc Aurel	Rosenthal	Stuart	Waterford
Capri	Dansk	Hofbauer	Marquis	Royal Albert	Studio Nova	Wedgwood
Cartier	Dartington	Home Beautiful	Maxwell	Royal Brierley	Stylesetters	West Virginia
Castle	Daum	Hoya	Mikasa	Royal Crystal	Svend Jensen	WMF
Cavan	DaVinci	Illusions	Miller Rogaska	Rock (RCR)	Thierenthal	Zwiesel Glass
Cazlor	Design Guild	Imperlite	Mozart	Royal Doulton	Thomas	
	Devon	Imperlux	Nachtmann	Royal Gallery	Thomas Webb	

\*This warning does not apply to: Baccarat decanters, flacons, stoppered pitchers, mustard and jam pots; Fifth Avenue Crystal LTD "Reef" collection; Kosta Boda stemware and serveware; Orrefors stemware and other grey labeled products; Polo/Ralph Lauren "Emma" and "Chairman" patterns; Tiffany & Co. Classic Wineglass Collection; and Tyrol glassware and Overture stemware.

# **EXHIBIT C**

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2 EXHIBIT C

3 RETAILER INSTRUCTIONS

4 RE: Court-ordered Warnings for Leaded Crystal Tableware

5 Dear Retailer:

6 Important materials concerning the need to provide court-  
7 ordered warnings for certain leaded crystal tableware products  
8 are attached to this letter. This only applies to products that  
9 are used for serving or storing food or beverages. Warnings are  
10 not required for figurines, vases and other items which are not  
11 designed for use with food or beverages. It is very important  
12 that you read and follow the instructions enclosed with this  
13 letter.

14 Enclosed are two very important items:

- 15
- 16 1. Signs for posting in your store if, and only if, you  
17 currently sell any leaded crystal tableware for which a  
18 warning is required. The sign lists certain brands of  
19 leaded crystal tableware products for which a warning under  
20 Proposition 65 is to be provided.
  - 21 2. Instructions for posting these signs.

22 If you do not post these signs by April 15, 1996 as  
23 required, you risk further legal action by the Attorney General  
24 or others, in which monetary penalties could be sought.

25 These materials are being provided by leaded crystal  
26 tableware manufacturers and distributors as part of a court-  
27 approved settlement of a legal action brought under "Proposition  
65" by the Attorney General. In this legal action, the Attorney  
General claims that certain brands of leaded crystal tableware  
contain lead, which passes into food and drink kept or served in  
those items in excess of Proposition 65 warning levels. Lead is  
a chemical known to the State to cause birth defects or other  
reproductive harm, and the Attorney General claims that  
manufacturers and retailers of these products are legally  
required to provide consumers with a clear and reasonable warning  
of this exposure to lead. The companies sued by the Attorney  
General dispute these claims, but have agreed to take various  
actions to settle the case.

The leaded crystal tableware listed on the enclosed sign may  
be sold legally because they comply with international standards  
for lead release. They require a warning because they exceed the  
stricter lead exposure standards of Proposition 65.

Not all suppliers are participating in this court-ordered

1 warning program. Suppliers that are not participating in this  
2 program may be providing leaded crystal tableware that requires a  
3 Proposition 65 warning. You should contact your suppliers to  
4 determine if they are in compliance with Proposition 65, since  
5 failure to comply could subject you to the legal actions referred  
6 to above.

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2                   Retail Store Warning Instructions

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4           Here's what you need to do to comply with the court-ordered  
5 warning program:

6           1.    Check the listing of brands on the enclosed warning  
7 sign, and see if any of the leaded crystal tableware sold in your  
8 store is listed as requiring a warning. If leaded crystal  
9 tableware sold in your store is on the list, then you must post  
10 the enclosed signs. If your supplier of another brand of leaded  
11 crystal tableware informs you that its products require a  
12 warning, then your must also provide warnings for those products.  
13 If leaded crystal tableware sold in your store is not on the  
14 list, and none of your suppliers inform you that their products  
15 require a warning, then you do not need to provide warnings.

16           2.    Post the signs. If any of the leaded crystal tableware  
17 sold in your store appears on the list, then your must post these  
18 signs by no later than April 15, 1996. Where you must post them  
19 depends on the type of store you operate. There are three types:

- 20           a.    Department stores with a separate check-out for  
21 the tableware department. If you sell leaded  
22 crystal tableware in a physically separate section  
23 with its own cash registers primarily used for  
24 that department, you must post the signs at each  
25 cash register in the tableware department and at  
26 two other conspicuous places in the tableware  
27 department.
- b.    Large stores without separate check-out for  
tableware. If you have more than 7,500 square  
feet of floor space, post a sign conspicuously at  
each place where leaded crystal tableware is  
displayed, plus any additional signs needed to  
assure that any potential purchaser of leaded  
crystal tableware is likely to see one of the  
signs.
- c.    Small stores with no separate check-out for  
tableware. If you have 7,500 square feet of floor  
space or less, you may choose either (a) or (b).  
You do not need to do both.



# **EXHIBIT D**

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EXHIBIT D

MAIL ORDER HOUSE INSTRUCTIONS

RE: Court-ordered Warnings for Leaded Crystal Tableware Products

Dear Mail Order House:

This letter conveys important materials concerning the need to provide court-ordered warnings for certain leaded crystal tableware products offered for sale to customers in California. This only applies to products that are used for serving or storing food or beverages. Warnings are not required for figurines, vases and other items which are not designed for use with food and beverages. It is very important that you read and follow the instructions enclosed with this letter.

Enclosed are two very important items:

1. A sign listing certain brands of leaded crystal tableware that contain lead, and for which a warning under Proposition 65 is to be provided.
2. Instructions for providing warnings in either your catalogs or brochures or a warning accompanying your products when they are shipped to California customers.

These materials are being provided by leaded crystal tableware manufacturers and distributors as part of a court-approved settlement of a legal action bought under "Proposition 65" by the Attorney General. In this legal action, the Attorney General claims that certain brands of leaded crystal tableware contain lead, which passes into food and drink kept or served in those items in excess of Proposition 65 warning levels. Lead is a chemical known to the State to cause birth defects or other reproductive harm, and the Attorney General claims that manufacturers and retailers of these products are legally required to provide consumers with a clear and reasonable warning of this exposure to lead. The companies sued by the Attorney General dispute these claims, but have agreed to take various actions to settle the case.

If you do not provide these warnings by April 15, 1996 as required, you risk further legal action by the Attorney General or others, in which monetary penalties could be sought.

The leaded crystal tableware contained on the list may be sold to california customers legally because it complies with all

1 international standards for lead release. They require a warning  
2 because they exceed the strict lead exposure standards of  
3 California's Proposition 65.

4 Not all suppliers are participating in this court-ordered  
5 warning program. Suppliers that are not participating in this  
6 program may be providing leaded crystal tableware products that  
7 require Proposition 65 warnings. You should contact your  
8 suppliers to determine if they are in compliance with Proposition  
9 65, since failure to comply could subject you to the legal  
10 actions referred to above.

11 Sincerely,

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1 EXHIBIT D

2 MAIL ORDER WARNING INSTRUCTIONS

3 Here's what you need to do to comply with the court-ordered  
4 warning program:

5 1. Check the listing of brands on the enclosed sign and  
6 see if any of the leaded crystal tableware you are offering for  
7 sale in California is listed as requiring a warning. If your  
8 leaded crystal tableware is on the list, or if your supplier of  
9 another brand of leaded crystal tableware informs you that its  
products require a warning, then you must provide warnings. If  
your leaded crystal tableware is not on the list, and none of  
your other suppliers inform you that its products require a  
warning, then you do not need to provide warnings.

10 2. Where necessary, begin providing warning by no later  
11 than April 15, 1996. If you need to provide warnings you may do  
so in one of two ways.

12 a. Mail Order Catalog or Brochure. The following  
13 warning message shall be stated within the mail  
14 order catalog or brochure, on the inside front  
15 cover, on the same page as any order form, or on  
the same page as the price, in at least 12 point  
type:

16 "Prop 65 WARNING: Use of the leaded crystal  
17 tableware products for sale in this catalog  
18 or brochure will expose you to lead, a  
chemical known to the State of California to  
cause birth defects or other reproductive  
harm."

19 If not all of the items for sale in the catalog or  
20 brochure require a warning, the following shall be  
used as an alternative to the preceding warning  
message.

21 "Prop 65 WARNING: Use of the following  
22 brands of leaded crystal tableware for sale  
23 in this catalog or brochure will expose you  
24 to lead, a chemical known to the State of  
California to cause birth defects or other  
reproductive harm: [Insert Listings of Brand  
Names and Exceptions]."

25 b. Package Insert or Label. Alternatively, a warning  
26 may be provided with the leaded crystal tableware  
27 requiring a warning by (a) inserting a card or  
slip of paper measuring at least 4" x 6" in the  
shipping carton, or (b) affixing a pressure-

1 sensitive label measuring at least standard  
2 business card size on the shipping carton, or (c)  
3 printing the warning on the packing slip or  
4 customer invoice identifying that leaded crystal  
5 tableware requiring a warning in letters of the  
6 same size as the description of the product. The  
7 warning shall read as follows: "Prop 65 WARNING:  
8 Use of this product will expose you to lead, a  
9 chemical known to the State of California to cause  
10 birth defects or other reproductive harm. You may  
11 return this product for full refund within 30 days  
12 of receipt, if you wish. You may also obtain a  
13 list of each brand of leaded crystal tableware for  
14 which the same warning is given."

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Upon request by the person receiving that warning, the mail order  
house shall provide a list of brands of leaded crystal tableware  
sold by you for which a warning is required.