

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses and Clutches Made With Leather, Vinyl or Imitation Leather Materials

December 21, 2011

This Notice of Violation 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 of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least December 21, 2008, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Product: The specific types of product causing this violation are wallets, handbags, purses and clutches made with leather, vinyl or imitation leather materials. Non-exclusive examples of this specific type of product are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dyes, paints and other coloring agents used in the products and in the chemicals used in the leather tanning process. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have

been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

○ **Resolution of Noticed Claims:**

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each of the alleged violators unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is 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.

Please direct any inquiries regarding this Notice to CEH through its counsel Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
December 21, 2011 Notice of Violation
Lead in Wallets, Handbags, Purses, and Clutches

Names and Addresses of Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>American Apparel, Inc. 747 Warehouse Street Los Angeles, CA 90021-1106</p> <p>American Apparel (USA), LLC 747 Warehouse Street Los Angeles, CA 90021-1106</p>	<p>American Apparel Patent Leather Coin Purse in Yellow</p>	<p>Style No. RSALH502SP</p>
<p>Blue Moe, Inc 241 West 37th Street Suite 730 New York, NY 10018</p> <p>Blue Moe Apparel Inc. 241 West 37th Street Suite 730 New York, NY 10018</p> <p>Blue Moe Concepts, Inc. 241 West 37th Street Suite 726 New York, NY 10018</p>	<p>Tambourine by Dan W Nylon and Enamel Satchel in Yellow</p>	<p>Item No. B003H4REQ4 Style No. 13640</p>
<p>Hollywood Accessories 129 Bayfair Mall 15555 East 14th Street San Leandro, CA 94578</p>	<p>Hobo Bag with Braided Handle in Yellow</p>	<p>Style No. QJ17004-7</p>
<p>Hurley International LLC 1 Bowerman Dr Beaverton, OR 97005</p>	<p>Hurley One and Only Bi-Fold Wallet in Red</p>	<p>UPC No. 845301003301 SKU No. 7655420</p>

<p>Intercontinental Fashion Group, Inc. 5482 Wilshire Blvd, Suite 131 Los Angeles, CA 90036</p>	<p>Vitalio Vera Oversized Claudette Handbag in Mustard Yellow</p>	<p>Item No. X000SKGDJ</p>
	<p>Vitalio Vera Claudette Satchel in Sunset Yellow</p>	<p>SKU No. X0004QAB7D Item No. VT-50931-YEL</p>
	<p>Laurel & Sunset Dunsmouth Hobo in Orange</p>	<p>SKU No. X0007OSZ8T Item No. LS-GC0013-ORA</p>
	<p>Nila Anthony Maya Crossbody Satchel in Orange</p>	<p>SKU No. X0006HVORV Item No. NA-60869-YEL</p>
<p>Jada Corporation 2646 S. Downey Road Vernon, CA 90058</p>	<p>Basketweave Handbag in Red</p>	<p>SKU No. 8736279331 Style No. 62793</p>
<p>Lux de Ville, Inc. 4745 East Bryson Street Anaheim, CA 92807</p>	<p>Lux de Ville Purse in Red Snakeskin and Black</p>	<p>SKU No. 525334-000 Style No. 4KSLK</p>
<p>Luxcessories Inc. 1200 Monterey Pass Road Monterey Park, CA 91754</p>	<p>Luxcessories Two Tone Mini Handbag in Red</p>	<p>Item No. PCB1040</p>
<p>Make Me Chic Inc 19913 Harrison Ave Walnut, CA 91789</p> <p>Makemechic, Corp. 18541 Gale Ave City of Industry, CA 91748</p>	<p>Luxcessories Two Tone Mini Handbag in Red</p>	<p>Item No. PCB1040</p>
<p>Marquis 15555 E 14th St # 331 San Leandro, CA 94578</p>	<p>Mode Becky Handbag in Yellow</p>	<p>Item No. MB-8269</p>

<p>Mode Becky 812 Thompson Ave Nyssa, OR 97913</p>	<p>Mode Becky Handbag in Yellow</p>	<p>Item No. MB-8269</p>
<p>Papillon International Inc. 5595 Papineau Montreal, H2H 1W3 CANADA</p>	<p>La Diva Kat Clutch in Red</p>	<p>SKU No. 8-12463-07666-5 Style No. 4029CR</p>
<p>Pink Ice, Inc. 3435 Wilshire Blvd. Ste. 2350 Los Angeles, CA 90010</p>	<p>Urban Expressions Purse - Red</p>	<p>SKU No. 6000299911 Style No. 8277</p>
<p>Tutu In Trends, Inc. 389 5th Avenue Suite 509 New York, NY 10016</p>	<p>Fuchsia Collection Handbag in Green</p>	<p>SKU No. 400065285600 Style No. 866634-1</p>
<p>Zion International Enterprises, Inc. 1723 W 2nd Street Pomona, CA 91766</p>	<p>Nila Anthony Maya Crossbody Satchel in Orange</p>	<p>SKU No. X0006HVORV Item No. NA-60869-YEL</p>

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

I, Howard Hirsch, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

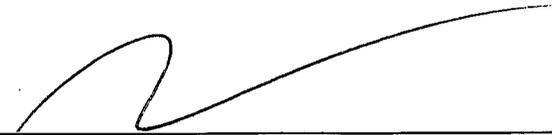
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

December 21, 2011



Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is pcarey@lexlawgroup.com.

On December 21, 2011, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 4:39 p.m. on December 21, 2011:

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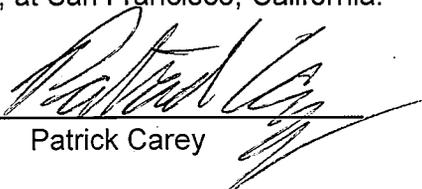
Gregory D. Totten, District Attorney Ventura
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The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 21, 2011, at San Francisco, California.

Signed: _____


Patrick Carey

SERVICE LIST

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City Hall, Room 234
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San Francisco, CA 94102

San Jose City Attorney's Office
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San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
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