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State of California
DEPARTMENT OF JUSTICE

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Via U.S. Mail and E-Mail

November 13, 2009

TJX Companies, Inc.
c/o Jeffrey B. Margulies
Fulbright & Jaworski LLP
555 South Flower St., 41st Floor
Los Angeles, CA 90071

RE: Lead in Children's Product Purchased at TJ Maxx (PHT 167)

Dear Mr. Margulies:

We just received a report about a children's product purchased in a TJ Maxx store in Moraga, California that contains illegal levels of lead. The lead levels reported exceed the limits in the federal Consumer Product Safety Improvement Act ("CPSIA"). Furthermore, selling the product without a proper warning likely violates California's Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65." We are writing to ask that you stop selling the product immediately and take other corrective action as needed.

The children's product is a Dora the Explorer Activity Tote. The SKU is 022876376218. It was purchased at a TJ Maxx in Moraga on October 16, 2009. Our internal reference number is PHT 167. Please use it in communications with our office about this. We have enclosed photographs of the product.

The item was purchased by an investigator for the Center for Environmental Health, using a grant from a fund administered by the Public Health Institute. The fund was established through a Proposition 65 settlement between our office and several companies over lead in toys. (*People v. Mattel et al.*, Alameda County Super. Ct., Civ. No. RG 07-356892.) After screening the product for lead, the Center for Environmental Health sent a sample to a federally-approved laboratory for further testing. The test results, which are enclosed, indicate 2,348 parts per million ("ppm") lead in the orange vinyl on the back side of the tote. This exceeds federal lead limits, which deem a children's product with more than 300 ppm lead in an accessible component a "banned hazardous substance." It also appears to violate Proposition 65, which requires a clear and reasonable warning prior to exposing persons to known carcinogens and reproductive toxins, including lead. (Cal. Health & Saf. Code, § 25249.6; Cal. Code Regs., tit. 27, § 27001.)

Lead is a toxic metal that damages the nervous system and other organs. Even at low levels of exposure, lead can impact brain development in children. Based on what appears to be violations of federal and state law, you should stop selling the product immediately. Additionally, please send us any test results you have and any representations from the manufacturer or supplier about the lead content in the product. Please contact us immediately so we can discuss what further actions your company intends to take.

Sincerely,

HARRISON M. POLLAK
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enclosures

cc (via electronic mail): Mark Schoem, Consumer Product Safety Commission

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Color and Draw Activity Booklet
NICK JR
DORA the EXPLORER
Activity Tote
Travel Tote with 20 pages of activities 8 crayons and over 35 stickers
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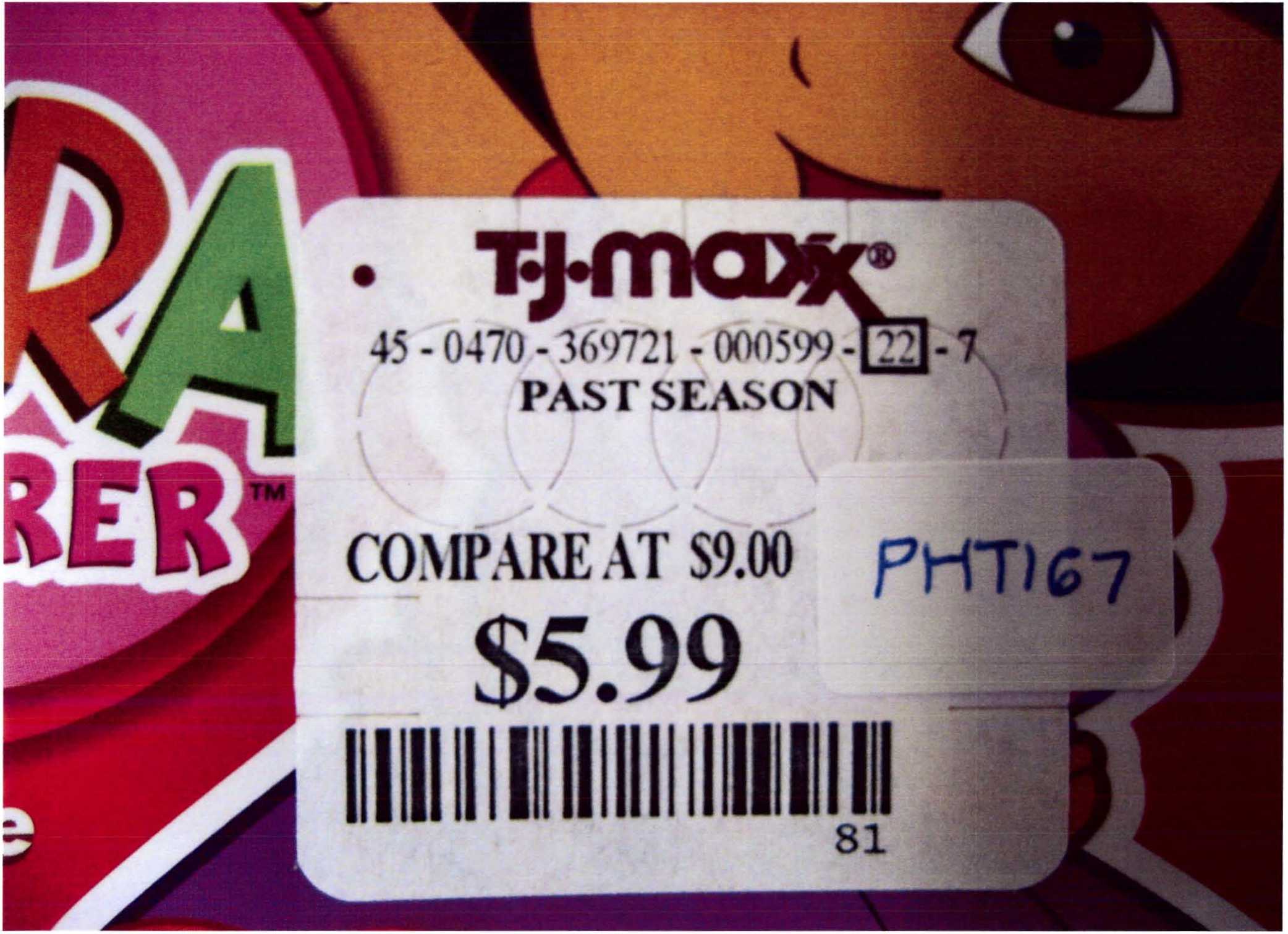
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No.: 09-013-13564-6
Total Lead Test on Children's Product

Client: Centre for Environmental Health **Address:** 2201 Broadway Suite 302, Oakland, CA 94612, U.S.A	**Contact:** Caroline Cox **Phone:** 510-655-3900 **Fax:** 510-655-9100 **Email:** Caroline@ceh.org
Date Received: November 6, 2009	**Date Reported:** November 11, 2009
Lab Book/Page No.: Lab book 12161, pages 10 to 13	

Date Analyzed: November 10, 2009

Client Sample ID	Description of Tested Sample Parts	Exova Sample ID	Method	Total Lead Content (ppm)
PHT167	Shiny orange vinyl (back side of tote) of Dora the Explorer Activity Tote	09-13564-38634	CPSC-CH-E1002-08	2348

Analyzed by:

2009-11-11

Jack Li, B.Sc.
Analyst, Trace Metals & Specialty Chemicals
Health Sciences

Reported by:

Peter Susel 2009-11-11.

Peter Susel, B.Sc., C. Chem.
Mgr, Trace Metals & Specialty Chemicals
Health Sciences

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