EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

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Via U.S. Mail and E-Mail

November 13, 2009

Walmart Stores, Inc.
c/o Michael Abraham
BartkoZankel
900 Front Street, Suite 300,
San Francisco, CA 94111

RE: Lead in Children's Products Purchased at Walmart (PHT 011, PHT 017)

Dear Mr. Abraham:

We just received a report about two children's products purchased in a Walmart store in Oakland, 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 products 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 products immediately and take other corrective action as needed.

There are two products. The first product is a Kid's Poncho sold under the Walmart brand. The SKU is 12655929483. Our internal reference number is PHT 011. (Please use the internal reference number in communications with our office about this.) The second product is a pair of Faded Glory "Rebecca" shoes. The SKU is 66971137708. Both products were purchased on November 4, 2009, at a Walmart store in Oakland. We have enclosed photographs of the products.

The items were 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 products for lead, the Center for Environmental Health sent a sample of each to a federally-approved laboratory for further testing. The test results for the poncho indicates 677 parts per million ("ppm") lead in the yellow fabric. Test results for the shoes indicate 1,331 ppm lead in the plastic sole of the shoes. These levels exceed federal lead limits, which deem a children's product with more than 300 ppm lead in an accessible component a "banned hazardous

substance." They also appear 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 products immediately. Additionally, please send us any test results you have and any representations from the manufacturer or supplier about the lead content in the products. 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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KIDS PONCHO
Fits Ages 6 & UP
48" x 31"
P#T011

WAL★MART
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RN#51207
MADE IN CHINA

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Certificate of Analysis

No.: 09-013-13564-4
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)
PHT011b	Yellow poncho fabric of Wal-Mart yellow poncho	09-13564-38632	CPSC-CH-E1002-08	677

Analyzed by:

2009-11-11

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

Reported by:

2009-11-11

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

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PHTO17
PHTO17

MSY FG REBECCA 020

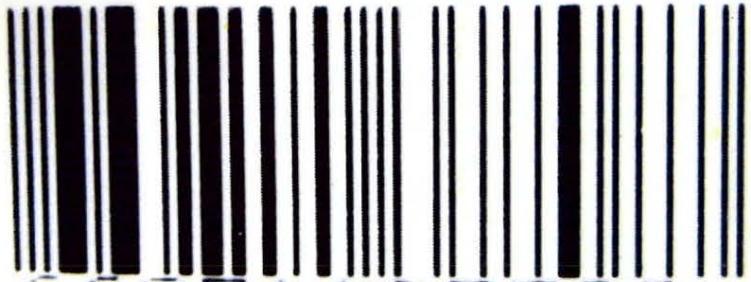
6.00

YELLOW

DEPT 25

INVENTORY PREP

DI1



6697113 7708

QTY_____

09/22/09

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Certificate of Analysis

No.: 09-013-13564-1, Revision 1
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
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Date Analyzed: November 10, 2009

Client Sample ID	Description of Tested Sample Parts	Exova Sample ID	Method	Total Lead Content (ppm)
PHT017b	Light yellow strip on sole of Faded Glory Yellow Shoe	09-13564-38629	CPSC-CH-E1002-08	1331

Analyzed by:

2009-11-11

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

Reported by:

2009-11-11

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

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