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7 *California, ex rel. Kamala D. Harris,*
Attorney General, and People of the State of
8 *California, ex rel. Debbie Raphael, Director,*
Department of Toxic Substances Control
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 LOS ANGELES SUPERIOR COURT

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14 **PEOPLE OF THE STATE OF**
15 **CALIFORNIA, ex rel. KAMALA D.**
16 **HARRIS, ATTORNEY GENERAL; and**
17 **PEOPLE OF THE STATE OF**
18 **CALIFORNIA, ex rel. DEBBIE RAPHAEL,**
19 **DIRECTOR, DEPARTMENT OF TOXIC**
20 **SUBSTANCES CONTROL,**

21 Plaintiffs,

22 v.

23 **JOIA TRADING, INC., et al.,**

24 Defendants

Case No. BC488508

**STIPULATION AND [PROPOSED]
CONSENT JUDGMENT AS TO
EASTERN NATIONWIDE SUPPLY, INC.
AND JOIA TRADING, INC.**

25 **I. INTRODUCTION**

26 1. This stipulation and proposed consent judgment (“Consent Judgment”) is between
27 Plaintiffs, the People of the State of California (“People”), by and through Kamala D. Harris,
28 Attorney General (“Attorney General”), and by and through Debbie Raphael, Director,
Department of Toxic Substances Control (“Department”), and Defendants Eastern Nationwide

1 Supply, Inc. (“ENS”) and Joia Trading, Inc. (“Joia Trading”; collectively, “Defendants”). The
2 settling parties are referred to collectively as the “Parties.”

3 2. The Parties enter into this Consent Judgment without a trial. It does not constitute
4 evidence of an admission by Defendants regarding any issue of law or fact alleged in the
5 Complaint. This Consent Judgment sets forth the obligations of Defendants and the People and
6 constitutes the complete, final and exclusive agreement between the Parties and supersedes any
7 prior agreements between the Parties except as specifically provided below.

8 3. For purposes of this Consent Judgment, (i) the Los Angeles County Superior Court
9 (“Court”) has jurisdiction over the Parties to and the subject matter of this action; (ii) venue is
10 proper in this Court; and (iii) the Court has personal jurisdiction over Defendants for the purposes
11 of enforcing the terms of the Consent Judgment.

12 II. DEFINITIONS

13 4. The term “Analytical Testing” shall refer to testing for the presence of lead or other
14 materials using the test methods and procedures set forth in Health and Safety Code sections
15 25214.4 and 25214.4.1.

16 5. The term “Complaint” shall refer to the complaint Plaintiffs filed in this Court on July
17 17, 2012, as amended thereafter.

18 6. The term “Court” shall refer to the Los Angeles County Superior Court.

19 7. The term “Covered Products” shall refer to the list of Jewelry products attached to the
20 Consent Judgment as Exhibit A, and Jewelry sold by Joia prior to the Effective Date.

21 8. The term “Department” shall refer to the California Department of Toxic Substances
22 Control.

23 9. The term “Effective Date” shall refer to the date on which the Court enters the
24 Consent Judgment.

25 10. The term “Jewelry” shall have the same meaning as that term is defined in Health and
26 Safety Code, section 25214.1, subdivision (h).

27 11. The term “Jewelry Law” shall refer to article 10.1.1 of chapter 6.5 of the Health &
28 Safety Code (§§25214.1 *et seq.*).

1 18. Defendants shall prepare the certifications required in Health and Safety Code section
2 25214.3.1, subdivision (b), based only upon Analytical Testing or XRF Analysis results that are
3 (i) less than 90 days old at the time the Defendant preparing the certification receives the
4 shipment of Jewelry from its supplier, or (ii) conducted by the Defendant or by a certified
5 laboratory in the United States after the Defendant received the shipment from its supplier.

6 19. Defendants shall not make Metal Content Claims for any style of Jewelry unless the
7 Defendant has Analytical Testing or XRF Analysis results that (i) comply with the requirements
8 in Section 18, and (ii) that demonstrate the Metal Content Claims are true. Defendants shall not
9 make Metal Content Claims about the complete absence of a metal (e.g., “No lead”), unless the
10 testing or screening results demonstrate that the metal is not detectable.

11 20. Defendants shall keep and maintain all records related to the purchase, sale, offer for
12 sale, manufacture, import, transportation, testing, screening, and disposal of Jewelry, for at least
13 five years from the date of purchase, sale, or disposal, whichever is later, and shall make such
14 records available for inspection by the Attorney General and by the Department upon request.
15 Records pertaining to the screening or testing of jewelry shall include an identification code for
16 each style of jewelry (e.g., Uniform Product Code (“UPC”) or Stock Keeping Unit code
17 (“SKU”)), the component tested or screened, and the results. Records pertaining to the disposal
18 of jewelry shall include an identification code for each style of jewelry and documentation
19 showing where and how the jewelry was disposed.

20 21. In consideration for a reduction of the civil penalty, Defendants shall use XRF
21 Analysis at their United States locations where they manufacture, ship, sell, offer for sale or for
22 promotional purposes Jewelry for retail sale in California. At a minimum, each Defendant shall
23 (i) have at least one trained employee in use of XRF Analysis at each location where shipments
24 are received and, upon request by the Attorney General or the Department, provide the name(s) of
25 trained employees and written documentation showing that the training occurred; (ii) scan at least
26 one sample of every style of Jewelry from each incoming shipment; (iii) submit quarterly reports
27 for one year to the Attorney General and to the Department with the number of Jewelry items
28 scanned, number of Jewelry items rejected, identification numbers for Jewelry rejected (e.g., UPC

1 or SKU), and names of suppliers of any rejected Jewelry items; and (iv) make records available to
2 the Attorney General and to the Department for inspection for at least five years.

3 **IV. PENALTIES AND COSTS**

4 22. Defendants are jointly and severally liable for a settlement payment in the amount of
5 \$115,000. Except as set forth in Section 23, Defendants shall pay the full amount within 10
6 calendar days after the Effective Date. The payment shall be allocated between civil penalties
7 and partial reimbursement of the People's costs and attorneys' fees as set forth below:

8 a. \$6,522.50 as a civil penalty for violations of the Jewelry Law pursuant to
9 Health and Safety Code section 25214.3.

10 b. \$6,552.50 as a civil penalty for violations of the Business and Professions Code
11 pursuant to sections 17206, 17500 and 17536.

12 c. \$35,000 as partial reimbursement of attorneys' fees and costs incurred by the
13 Attorney General on her own behalf or on behalf of the Department.

14 d. \$66,955 as partial reimbursement of the Department's investigation costs.

15 23. Installments. If Defendants elect in writing to do so within 10 days after the Effective
16 Date, Defendants may make the settlement payment in installments of up to twelve monthly
17 payments, provided that each payment is for at least one twelfth (1/12) of the total amount due
18 plus interest, which shall accrue at a rate of 10 percent per year. There shall be no penalty for
19 early payment. The first payment is due at the time Defendants makes the election. The entire
20 unpaid balance plus interest shall become due within 10 days after the Attorney General sends
21 written notice of a default, unless such default is cured within that period. Elections and
22 payments under this Section shall be sent to:

23 Deputy Attorney General Harrison Pollak
24 Office of the Attorney General
25 1515 Clay St., 20th Floor
26 Post Office Box 70550
27 Oakland, CA 94612

28 24. Payments under this Consent Judgment by Defendants shall be made by certified
check, payable to "Office of the California Attorney General." Each check shall bear on its face,
"Jewelry Recoveries Fund, OK2011950020," and be sent to:

1 Deputy Attorney General Harrison Pollak
2 Office of the Attorney General
3 1515 Clay St., 20th Floor
4 Post Office Box 70550
5 Oakland, CA 94612

6 25. The Attorney General shall collect the payments and, at least once every six months,
7 the Attorney General shall distribute the payments for use as follows:

8 a. 75% of funds paid as a civil penalty pursuant to the Jewelry Law shall be
9 deposited in the Toxic Substances Control Account, and the remaining 25% of such funds
10 shall be paid to the Attorney General to be used as provided in Section 26. (Health & Saf.
11 Code, §§ 25192, subd. (a)(2), 25214.3, subd. (c).)

12 b. 50% of funds paid as a civil penalty pursuant to Business and Professions Code
13 sections 25206, 27500, and 27536, shall be placed in the Unfair Competition Law Fund
14 within the General Fund in the State Treasury, to be used by the Attorney General to
15 support investigations and prosecutions of California's consumer protection laws. (Bus.
16 & Prof. Code, § 17206, subd. (d).) The remaining 50% of such funds shall be paid to the
17 treasurer of Los Angeles County. (*Id.*, §§ 17206, subd. (c), 17536, subd. (c).)

18 c. Funds paid as partial reimbursement of attorneys' fees and costs incurred by the
19 Attorney General on her own behalf or on behalf of the Department Funds shall be paid to
20 the Attorney General to be used as provided in Section 26.

21 d. Funds paid as partial reimbursement of the Department's investigation costs
22 shall be paid to the Department.

23 26. Funds paid to the Attorney General pursuant to Subsections 25.a and 25.c shall be
24 used by the Environment Section of the Public Rights Division of the Attorney General's Office,
25 until all funds are exhausted, for any of the following purposes: (1) Implementation of the
26 Attorney General's authority to protect the environment and natural resources of the State
27 pursuant to Government Code section 12600 et seq. and as Chief Law Officer of the State of
28 California pursuant to Article V, section 13 of the California Constitution; (2) enforcement of
laws related to environmental protection, including, but not limited to, Chapters 6.5 and 6.95,
Division 20, of the California Health & Safety Code; (3) enforcement of the Unfair Competition

1 Law, Business & Professions Code section 17200 et seq., as it relates to protection of the
2 environment and natural resources of the State of California; and (4) other environmental actions
3 that benefit the State and its citizens as determined by the Attorney General. Such funding may
4 be used for the costs of the Attorney General’s investigation, filing fees and other court costs,
5 payment to expert witnesses and technical consultants, purchase of equipment, laboratory
6 analyses, personnel costs, travel costs, and other costs necessary to pursue environmental actions
7 investigated or initiated by the Attorney General for the benefit of the State of California and its
8 citizens. The payment, and any interest derived therefrom, shall solely and exclusively augment
9 the budget of the Attorney General’s Office as it pertains to the Environment Section of the
10 Public Rights Division and in no manner shall supplant or cause any reduction of any portion of
11 the Attorney General’s budget.

12 27. If any payment required by this Consent Judgment is not received by the due date,
13 then interest thereon as specified in section 685.010 of the Code of Civil Procedure shall begin to
14 accrue as of the due date, except that there shall be no interest upon interest for installment
15 payments that accrues pursuant to Section 23. Code of Civil Procedure section 1013, and the
16 extensions provided for therein, shall not apply to nor extend any deadline referred to in this
17 Section or in the payment provisions of this Consent Judgment.

18 **V. ADDITIONAL PROVISIONS**

19 28. Claims Covered. This Consent Judgment is a full, final, and binding resolution
20 between the People, on the one hand, and Defendants and their successors and assigns
21 (“Defendant Releasees”), on the other hand, of any violations of the Jewelry Law and Business &
22 Professions Code sections 17200, 17500, and 17508 that were asserted in the Complaint against
23 the Defendants based on the manufacturing, shipping, selling, offering for sale or for promotional
24 purposes, Covered Products prior to the Effective Date.

25 29. Enforcement. In an action to enforce this Consent Judgment, the People may seek
26 whatever fines, costs, attorneys’ fees, penalties or remedies are provided by law for failure to
27 comply with this Consent Judgment. Where said failure to comply constitutes a violation of law
28 independent of this Consent Judgment and/or the allegations in the Complaint concerning

1 Covered Products, the People are not limited to enforcement of this Consent Judgment, but may
2 seek in another action, subject to satisfaction of any procedural requirements, including notice
3 requirements, whatever fines, costs, attorneys' fees, penalties or remedies are provided by law. In
4 any such other action, however, the requirements of this Consent Judgment shall not limit or
5 impair any defense, arising at law or in equity, that Defendants may assert; except that
6 Defendants shall not contest their obligation to comply with the terms of this Consent Judgment
7 as set forth herein in any proceeding to enforce this Consent Judgment.

8 30. Modification. This Consent Judgment may be modified from time to time by written
9 stipulation of the Parties and the Court's entry of such stipulation. The Consent Judgment may
10 also be modified upon entry of an order of this Court in accordance with law. Grounds for
11 considering modification shall include any that are permitted by law, including that any part of
12 this Consent Judgment is or has become preempted by federal law or regulation. Before filing an
13 application with the Court for a modification to the Consent Judgment, the Parties shall meet and
14 confer to determine whether they can agree on the proposed modification. If a proposed
15 modification is agreed upon, then the parties will present the modification to the Court by means
16 of a stipulated modification to the Consent Judgment as set forth in the first sentence of this
17 paragraph.

18 31. Execution in Counterparts. This Consent Judgment may be executed in counterparts,
19 which taken together shall be deemed to constitute one and the same document.

20 32. Entry of Consent Judgment. This Consent Judgment shall be binding and effective on
21 the Effective Date, and the clerk is ordered to enter this Consent Judgment forthwith.

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1 **IT IS SO STIPULATED.**

2 Dated: May _____, 2013

Respectfully Submitted,
KAMALA D. HARRIS
Attorney General of California

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HARRISON M. POLLAK
JASON A. MALINSKY
Deputy Attorneys General
*For People of the State of California, ex rel.
Kamala D. Harris, Attorney General*

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10
11 Dated: May _____, 2013

DEBBIE RAPHAEL
Director, Department of Toxic Substances
Control

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BRIAN JOHNSON
Deputy Director, Enforcement &
Emergency Response Program
*For People of the State of California, ex rel.
Debbie Raphael, Director, Department of
Toxic Substances Control*

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18 Dated: May _____, 2013

EASTERN NATIONWIDE SUPPLY, INC.

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(Signature)

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(Print name)

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(Print title)

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Dated: May _____, 2013

JOIA TRADING, INC.

(SIGNATURE)

(PRINT NAME)

(PRINT TITLE)

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90315352.doc

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ORDER

Good cause appearing, **IT IS SO ORDERED.**

Dated: _____, 2013

LOS ANGELES SUPERIOR COURT JUDGE

EXHIBIT A

Description	UPC
Christina Collection	S-7367
Christina Collection	S-7502
Christina Collection	S-7581
Christina Collection	S-8513
Christina Collection	S-9235
Christina Collection	S-9418
Christina Collection	S-9428
Christina Collection	S-10102
Christina Collection	S-10389
Christina Collection	S-10648
Christina Collection	S-10694
Christina Collection	S-10854
Christina Collection	S-10984
Christina Collection	S-11062
Christina Collection	S-11065
Christina Collection	S-11070
Christina Collection	S-11094
Christina Collection	S-11098
Christina Collection	S-11105
Christina Collection	S-11107
Christina Collection	S-11110
Christina Collection	S-11120
Christina Collection	S-11133
Christina Collection	S-11136
Christina Collection	S-11153
Christina Collection	S-11158
Christina Collection	S-11176
Christina Collection	S-11179
Christina Collection	S-11187
Christina Collection	S-11188
Christina Collection	S-11217
Christina Collection	S-11266
Christina Collection	S-11287
Christina Collection	S-11293
Christina Collection	S-11313
Christina Collection	S-11320
Christina Collection	S-11326
Christina Collection	S-11362

EXHIBIT A (continued)

Description	UPC
Christina Collection	S-11371
Christina Collection	S-11389
Christina Collection	S-11393
Christina Collection	S-11400
Christina Collection	S-11401
Christina Collection	S-11403
Christina Collection	S-11406
Christina Collection	S-11409
Christina Collection	S-11410
Christina Collection	S-11412
Christina Collection	S-11413
Christina Collection	S-11419
Christina Collection	S-11429
Christina Collection	S-11434
Christina Collection	S-11435
Christina Collection	S-11448
Christina Collection	S-11456
Christina Collection	S-11457
Christina Collection	S-11458
Christina Collection	S-11462
Christina Collection	S-11466
Christina Collection	S-11468
Christina Collection	S-11470
Christina Collection	S-11472
Christina Collection	S-11473
Christina Collection	S-11474
Christina Collection	S-11475
Christina Collection	S-11477
Christina Collection	S-11510
Christina Collection	S-11512
Christina Collection	S-11567
Christina Collection	S-11592
Christina Collection	S-11593
Christina Collection	S-11594
Christina Collection	S-11665
Christina Collection	S-11670
Christina Collection	S-11671
Christina Collection	S-11675
Christina Collection	S-11678
Christina Collection	S-11681

EXHIBIT A (continued)

Description	UPC
Christina Collection	S-11685
Christina Collection	S-11703
Christina Collection	S-11707
Christina Collection	S-11708
Christina Collection	S-11711
Christina Collection	S-11713
Christina Collection	S-11716
Christina Collection	S-11717
Christina Collection	S-11722
Christina Collection	S-11724
Christina Collection	S-11728
Christina Collection	S-11733
Christina Collection	S-11735
Christina Collection	S-11737
Christina Collection	S-11741
Christina Collection	S-11743
Christina Collection	S-11744
Christina Collection	S-11746
Christina Collection	S-11747
Christina Collection	S-11748
Christina Collection	S-11749
Christina Collection	S-11750
Christina Collection	S-11751
Christina Collection	S-11752
Christina Collection	S-11754
Christina Collection	S-11758
Christina Collection	S-11759
Christina Collection	S-11759
Christina Collection	S-11760
Christina Collection	S-11761
Christina Collection	S-11762
Christina Collection	S-11764
Christina Collection	S-11766
Christina Collection	S-11773
Christina Collection	S-11776
Christina Collection	S-11777
Christina Collection	S-11781
Christina Collection	S-11785
Christina Collection	S-11787
Christina Collection	S-11788
Christina Collection	S-11790

EXHIBIT A (continued)

Description	UPC
Christina Collection	S-11792
Christina Collection	S-11792
Christina Collection	S-11793
Christina Collection	S-11800
Christina Collection	S-11802
Christina Collection	S-11805
Christina Collection	S-11807
Christina Collection	S-11811
Christina Collection	S-11812
Christina Collection	S-11814
Christina Collection	S-11815
Christina Collection	S-11819
Christina Collection	S-11820
Christina Collection	S-11821
Christina Collection	S-11826
Christina Collection	S-11828
Christina Collection	S-11829
Christina Collection	S-11831
Christina Collection	S-11833
Christina Collection	S-11835
Christina Collection	S-11836
Christina Collection	S-11906
Christina Collection	S-11907
Christina Collection	S-11908
Christina Collection	S-11911
Christina Collection	S-11911
Christina Collection	S-11913
Christina Collection	S-11914
Christina Collection	S-11920
Christina Collection	S-11926
Christina Collection	S-11934
Christina Collection	S-11935
Christina Collection	S-11944
Christina Collection	S-11945
Christina Collection	S-11946
Christina Collection	S-11951
Christina Collection	S-11953
Christina Collection	S-11954
Christina Collection	S-11961
Christina Collection	S-11964
Christina Collection	S-11973

EXHIBIT A (continued)

Description	UPC
Christina Collection	S-11974
Christina Collection	S-11975
Christina Collection	S-11976
Christina Collection	S-11982
Christina Collection	S-11983
Christina Collection	S-11985
Christina Collection	S-11987
Christina Collection	S-11991
Christina Collection	S-11992
Christina Collection	S-11996
Christina Collection	S-11998
Christina Collection	S-12001
Christina Collection	S-12002
Christina Collection	S-12003
Christina Collection	S-12006
Christina Collection	S-12010
Christina Collection	S-12012
Christina Collection	S-12015
Christina Collection	S-12016
Christina Collection	S-12018
Christina Collection	S-12019
Christina Collection	S-12022
Christina Collection	S-12026
Christina Collection	S-12029
Christina Collection	S-12048
Christina Collection	S-12052
Christina Collection	S-12057
Christina Collection	S-12058
Christina Collection	S-12060
Christina Collection	S-12061
Christina Collection	S-12064

EXHIBIT B



Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Fact Sheet, February 2012

California's Metal-Containing Jewelry Law

The Department of Toxic Substances Control (DTSC) is responsible for enforcing California's law to protect children and adults from exposure to lead and cadmium in jewelry.¹ The law restricts the amount of lead in jewelry by identifying what materials may be used and setting lead concentration thresholds that may not be exceeded. The law also restricts the amount of cadmium allowed in children's jewelry. This fact sheet has been developed to help consumers and people in the jewelry industry understand the law and its requirements.

Background

Jewelry, including inexpensive children's jewelry, can contain dangerously high levels of lead and cadmium. Lead is a toxic metal that can cause serious health effects, ranging from behavioral problems and learning disabilities to organ failure, and even death. Chronic cadmium ingestion can lead to kidney damage, bone loss problems, vomiting, diarrhea and even death at high enough doses. Children six years old and under are most at risk, because their bodies are growing quickly. Jewelry that contains toxic metals poses a particular concern because children are prone to placing jewelry in their mouths, which can result in dangerous amounts of toxic metals getting into their bloodstreams. Recalls of lead and cadmium contaminated jewelry sold in places such as discount stores, gift shops and vending machines have increased people's awareness of the health hazards associated with toxic metals in jewelry. The tragic death of a four year-old child in Minnesota after he swallowed a jewelry charm containing lead underlined the importance of taking immediate action to ensure the public is protected from this danger.

Because of concerns about the risks they pose, California enacted laws that restrict the lead and cadmium content in jewelry. These laws together comprise California's Metal-Containing Jewelry law.² This law prohibits persons from manufacturing, shipping, selling, or offering for sale jewelry for retail sale, or for promotional purposes, in California unless the lead and cadmium restrictions are met.

¹ Please note that all children's products, including jewelry, are subject to the lead restrictions in the federal Consumer Product Safety Improvement Act (CPSIA), which defines "children" as 12 years old and younger. For more information about the Federal lead requirements for children's products please visit the following website: [Consumer Product Safety Improvement Act of 2008 \(CPSIA\) Information](http://www.cpsc.gov/ABOUT/Cpsia/summaries/101brief.html). For a summary of the CPSIA requirements pertaining to lead in children's products, including lead in paint, go to <http://www.cpsc.gov/ABOUT/Cpsia/summaries/101brief.html>.

² [Health and Safety Code sections 25214.1-25214.4.2](#)





Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Applicability

This law applies to those who manufacture, ship, sell, or offer for sale jewelry for retail sale, or offer jewelry for promotional purposes, in California. Businesses of all sizes are subject to the law, including but not limited to: large retail "box" stores; online stores and Web sites; discount stores; bead shops; craft stores; gift shops; souvenir stores; businesses that sell children's jewelry in vending machines; tattoo shops; body piercing shops; people who make and sell their own jewelry; video arcades; and mail order companies. All jewelry is subject to the lead restrictions set forth in the law. All children's jewelry is subject to the cadmium restriction set forth in the law.

Definitions

- "Jewelry" means: (1) Any of the following ornaments worn by a person: anklet; arm cuff; bracelet; brooch; chain; crown; cuff link; tie clip; hair accessory; earring; necklace; pin; ring; body piercing jewelry; jewelry placed in the mouth for display or ornament; (2) any bead, chain, link, pendant or other component of an ornament specified in (1) above; (3) a charm, bead, chain, link or pendant attached to shoes or clothes, that can be removed; or (4) a watch in which a timepiece is a component of an ornament specified in (1) above, excluding the timepiece itself if the timepiece can be removed from the ornament.
- "Children's Jewelry" means jewelry made for, marketed for use by, or marketed to children ages six and younger.
- "Body Piercing Jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry not placed within a new piercing or a mucous membrane.

Note: for the purposes of this law, the parts of body piercing jewelry not placed within a new piercing or a mucous membrane are considered to meet the more general definition of "jewelry" and are regulated as such.

Requirements

The Metal-Containing Jewelry Law regulates the levels of lead and cadmium in jewelry in California by specifying both materials that can be used and restrictions on lead and cadmium in the materials and the jewelry. Please refer to the attached [table of materials](#) for an explanation of Class 1, 2, and 3 materials. Specific requirements for children's jewelry, body-piercing jewelry, and adult jewelry are described below.





Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Children's Jewelry must be made from one or more of the following:

- (1) A nonmetallic material that is a Class 1 material and that does not otherwise violate the requirements of paragraph (4).
- (2) A nonmetallic material that is a Class 2 material.
- (3) A metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight.
- (4) Glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead.
- (5) Printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight.
- (6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

In addition to the limitations listed above, no component or material used in children's jewelry may exceed 300 parts-per-million (ppm) cadmium by weight.

Body-Piercing Jewelry (the component of jewelry that is placed in a new piercing or a mucous membrane) must be made from one or more of the following:

- (1) Surgical implant stainless steel.
- (2) Surgical implant grade of titanium.
- (3) Niobium (Nb).
- (4) Solid 14 karat or higher white or yellow nickel-free gold.
- (5) Solid platinum.
- (6) A dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

All Other Jewelry – must be made from Class 1, Class 2, or Class 3 materials, or a combination thereof.

Certification

A manufacturer or supplier of jewelry subject to this law must provide certification that the jewelry is in compliance with the law's lead and cadmium restrictions. The manufacturer or supplier must either provide this certification to the person who sells this jewelry, or display the certification prominently on the shipping container or jewelry packaging. Additionally, the manufacturer or supplier of jewelry subject to this law must, upon request from DTSC and within 28 days, provide to DTSC technical documentation or other information showing that the jewelry is in compliance with the law





Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Inspections

Under California's Lead-Containing-Jewelry Law, DTSC has the authority to enter and inspect a factory, warehouse, or other establishment where jewelry is manufactured, packed, held or sold, or a vehicle used to transport, hold, or sell jewelry. DTSC is also authorized to obtain a sample, in exchange for a receipt for the item, and to review all relevant records.

Penalties

A person who violates the law may be subject to civil penalties up to \$2,500 per day per violation. A manufacturer or supplier who knowingly and intentionally manufactures, ships, sells, offers for sale, or offers for promotion jewelry in violation of the law, may be fined between \$5,000 and \$100,000, or imprisoned up to a year, or both. A manufacturer or supplier who knowingly and with intent to deceive-falsifies any document or certificate required by the law can be fined up to \$50,000, or imprisoned up to a year, or both.

Test Methods for Determining Compliance

- The Metal-Containing Jewelry law requires the use of EPA Methods [3050B](#), [3051A](#), or [3052](#) [found in [EPA Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846](#) (Third Edition, as currently updated)] to determine compliance. The manufacturer or supplier must use the most appropriate test method for total digestion of the sample.
- The law also specifies additional sample preparation and testing procedures for certain materials. See California [Health and Safety Code sections 25214.4 and 25214.4.1](#).

A [list of certified environmental laboratories](#) is provided on the California Department of Public Health website.

Caution:

This fact sheet does not replace or supersede statutes or regulations. All jewelry manufacturers, distributors, suppliers, and retailers must follow the hazardous waste control statutes and any implementing regulations applicable to their activities.





DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

For more information:

Please visit our Web sites at:

[Lead in Jewelry](#)
and
[Cadmium in Children's Jewelry](#)

email us at:

leadinjewelry@dtsc.ca.gov

or call us at:

(916) 322-3670

You may also contact the Regulatory Assistance Officers at

800-728-6942 (800-72-TOXIC)

or RAO@dtsc.ca.gov.





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Jewelry Material Classes*

Class 1 Materials:

- Stainless or surgical steel; karat gold; sterling silver; platinum, palladium, iridium, ruthenium, rhodium, or osmium;
- Natural or cultured pearls;
- Glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, cubic zirconium (CZ), rhinestones, and cloisonné;
- Gemstones cut and polished for ornamental purposes (excluding aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite);
- Elastic, fabric, ribbon, rope, or string (unless it contains intentionally added lead and is listed as a class 2 material);
- All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead; and
- Adhesive.

Class 2 Materials:

- Electroplated metal:
 - On and before August 30, 2009, a metal alloy <10% lead by weight electroplated with suitable under and finish coats.
 - After August 31, 2009, a metal alloy <6% lead by weight electroplated with suitable under and finish coats;
- Unplated metal <1.5% lead not otherwise listed as a class 1 material;
- Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC):
 - On and before August 30, 2009, <0.06% (600 ppm) lead by weight
 - After August 31, 2009, <0.02% (200 ppm) lead by weight; and
- A dye or surface coating containing <0.06% (600 ppm) lead by weight.

Class 3 Materials: Any portion of jewelry that meets both of the following criteria:

- Not a class 1 or class 2 material
- Contains <0.06% (600 ppm) lead by weight

Note that Class 2 and Class 3 materials carry lead restrictions.

*Pursuant to Health and Safety Code sub-sections (e), (f), and (g) of section 25214.1.





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Materials Required for Jewelry, by Type of Jewelry

Jewelry Type	Materials Required -- <i>Jewelry Must Be Made Entirely From One or More of the Materials Listed for Each Jewelry Type</i>
<p>Children's jewelry <i>(Made for, marketed for use by, or marketed for children ages 6 and younger.)</i></p>	<ul style="list-style-type: none"> • A nonmetallic class 1 material* • A nonmetallic class 2 material* • A metallic material that is either a class 1 material* or contains <0.06% (600 ppm) lead by weight. • Glass or crystal decorative components that weigh in total no more than 1 gram, excluding any glass or crystal decorative component that contains <0.02% (200 ppm) lead by weight and has not intentionally added lead. • Printing ink or ceramic glaze that contains <0.06% (600 ppm) lead by weight. • Class 3 material* that contains <0.02% (200 ppm) lead by weight.
<p>Body Piercing Jewelry <i>(Any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane)</i></p>	<ul style="list-style-type: none"> • Surgical implant stainless steel • Surgical implant grade of titanium • Niobium (Nb) • Solid 14 karat or higher white or yellow nickel-free gold • Solid platinum • Dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.
<p>All other jewelry</p>	<ul style="list-style-type: none"> • Class 1 material* • Class 2 material* • Class 3 material*

*See classes of materials on previous page.

Note: No material may exceed 0.03% (300 ppm) cadmium by weight.

