

PROP 65
WARNING

Consuming foods or beverages that have been kept or served in leaded crystal products* or handling products made of leaded crystal will expose you to lead – a chemical known to the State of California to cause birth defects or other reproductive harm.

** This does not apply to: Baccarat decanters, flacons, stoppered pitchers, mustard and jam pots.*

APPENDIX 1

PROP 65
WARNING

Consuming foods or beverages that have been kept or served in leaded crystal products or handling products made of leaded crystal will expose you to lead – a chemical known to the State of California to cause birth defects or other reproductive harm.

APPENDIX 2

APPENDIX 3

Retail Store Warning Instructions for Leaded Crystal Tableware, Giftware, Lighting and/or Jewelry (effective January 2005)

In order to comply with the court-ordered warning program for leaded crystal tableware (including glasses, decanters, plates, bowls and other food contact items) and avoid potential liability for failing to warn consumers that handling lead crystal products (including not only tableware, but giftware items such as vases, candlesticks, sculpture, etc., lighting and jewelry), retailers must provide Proposition 65 warnings by posting signs at every retail outlet they own or principally operate in the State of California at which leaded crystal tableware, giftware and/or jewelry is sold.¹ There are two basic signs – one that has a footnote noting that Baccarat decanters, flacons, stoppered pitchers, mustard and jam pots are exempt from the warning about exposure to lead through the consumption of food or beverages from lead crystal (Appendix 1) and one that does not (Appendix 2).

You may use the sign as is (*i.e.*, on heavy cardboard stock) or you may reprint it in another medium (*e.g.*, in the form of a decal or a plaque). The signs you post must contain the same language and format as the enclosed sign. You must also ensure that the signs are, at all times, posted where required, legible and in good condition

The type and size of sign and where you post them depend on the leaded crystal products you carry and the type of store you operate. There are three basic groups:

A. Department Stores or Other Stores With a Separate Check-Out for Crystal Tableware, Giftware, Lighting and/or Jewelry

If you sell leaded crystal tableware, giftware, lighting or jewelry in a physically separate or distinct department or section which contains its own cash registers intended for purchase of items sold in that department or section, you have the option of (a) posting a 4-inch by 6-inch warning sign substantially similar to Appendix 1 (or Appendix 2 if none of the Baccarat products identified in the footnote in Appendix 1 are or may be sold at the store) at, on, or adjacent to each checkout counter, sales register, cash stand, or cash wrap in that section or department, or on the shelf where the leaded crystal is displayed; or (b) in the manner specified for "large stores without a separate checkout" below.

¹The May 2001 Consent Judgments also allow a retailer to provide a Proposition 65 warning by labeling the crystal tableware article or its packaging, in lieu of using point-of-sale signs. Consistent with the modified language recently approved by the Attorney General, the warning on the label should read "Consuming foods or beverages that have been kept or served in leaded crystal products or handling products made of leaded crystal will expose you to lead, a chemical known to the State of California to cause birth defects or other reproductive harm." The warning must be affixed to the packaging, labeling, or the article itself in the condition the product is given to or chosen by the customer, and displayed in a size and manner that is likely to be read and understood by an ordinary individual under customary conditions of purchase.

B. Large Stores Without A Separate Check-Out for Crystal Tableware, Giftware, Lighting and/or Jewelry

If you have more than 7,500 square feet of floor space and use one or more checkout stands for all merchandise purchased at the store, you may either (a) post an 8-inch by 10-inch version of the warning sign attached as Appendix 1 (or Appendix 2 if none of the Baccarat products identified in the footnote in Appendix 1 are or may be sold at the store) at each location where leaded crystal tableware, giftware or jewelry is or may be displayed (the signs may be free-standing, placed on the wall, hung, or displayed in any manner, so long as a potential purchaser would be reasonably likely to see it), or (b) post a 4-inch by 6-inch version of the warning sign on all shelves where leaded crystal tableware, giftware, lighting or jewelry is displayed.

C. Small Stores Without A Separate Check-Out for Crystal Tableware, Giftware, Lighting and/or Jewelry

If you have 7,500 square feet of floor space or less and use one or more check-out stands for all merchandise purchased, you may either (a) post 4-inch by 6-inch signs at, on or adjacent to each check-out counter, sales register, cash stand or cash wrap in the store, or on all shelves where leaded crystal tableware, giftware or jewelry is displayed, or (b) post an 8-inch by 10-inch sign at each location where leaded crystal tableware, giftware, lighting or jewelry is or may be displayed (the signs may be free-standing, placed on the wall, hung, or displayed in any manner, so long as a potential purchaser would be reasonably likely to see it). You do not need to do both (a) and (b).²

²The May 2001 Consent Judgments also allow retailers who sell both leaded crystal and ceramic tableware (which is subject to a separate Proposition 65 warning program) to deliver point-of-sale warnings through the use of "hybrid" signs covering both products. If you would like additional information on this warning option, please contact your company's general counsel, your company's attorneys, or Michael R. Kershow, counsel to the International Crystal Federation and the Coalition for Safe Ceramicware, at 202.342.8580.

APPENDIX 4

Instructions For Providing Proposition 65 Warnings In Connection With "Mail Order" Sales Of Leaded Crystal Tableware, Giftware, Lighting and Jewelry Products (effective January 2005)

If you sell leaded crystal tableware products (including glasses, decanters, plates, bowls and other food contact items), leaded crystal giftware items not used with food (such as vases, candlesticks, sculpture, etc.) or crystal lighting or jewelry, to residents of California by "mail order" – that is, in response to orders transmitted by mail, by telephone or electronically (e.g., through an Internet website) – you must provide a Proposition 65 warning to the customer.¹ The location of your company is irrelevant; if the customer is a resident of California, the required warning must be provided. The warning about exposure to lead from consuming foods or beverages that have been kept or served in leaded crystal products applies to all leaded crystal tableware products, other than Baccarat decanters, flacons, stoppered pitchers, and mustard and jam jars. The warning about exposure to lead from handling products made of leaded crystal applies to all tableware or giftware items made of lead crystal, including the Baccarat products exempt from the food or beverage contact warning.

Warning in the Catalog or on the Website

You may, if you wish, provide the Proposition 65 warning in your mail order catalog or on your Internet website. The warning should read:

Attention California residents. Proposition 65 WARNING: Consuming foods or beverages that have been kept or served in leaded crystal products² or handling products made of leaded crystal will expose you to lead, a chemical known to the State of California to cause birth defects or other reproductive harm.

If you choose to warn in your **catalog or brochure**, the warning message must appear, in the same size type as the surrounding, non-heading text, on either (a) the inside front cover, (b) the same page as any order form, or (c) the same page as the price.

¹ The May 2001 Consent Judgments also allow mail order sellers who sell both leaded crystal and ceramic tableware (which is subject to a separate Proposition 65 warning program) to deliver "hybrid" warnings covering both products. If you would like additional information on this warning option, please contact your company's general counsel, your company's attorneys, or Michael R. Kershow, counsel to the International Crystal Federation and the Coalition for Safe Ceramicware, at 202.342.8580.

² If any of the Baccarat items that are exempt from the warning about exposure to lead through the consumption of food or beverages from lead crystal is sold in the catalog in addition to other leaded crystal tableware, a footnote must be placed at this point in the above warning, stating "This warning does not apply to Baccarat decanters, flacons, stoppered pitchers, mustard and jam pots."

If you choose to warn on your **Internet website**, the warning message shall be displayed (or, upon the Internet site user's identification that they are either a California resident or that they are placing an order to be provided to a California resident, automatically appear) either: (a) on the same page on which a leaded crystal product (other than any of the exempt Baccarat products) is displayed, (b) on the same page as any order form for a leaded crystal product, or (c) on the same page as the price for any leaded crystal product.

Package Insert or Label Warnings

If you do not provide the warning in your catalog or brochure or on your website, you must provide the warning at the time the merchandise is shipped to California purchasers. You may do this by (a) labeling the product or its packaging (e.g., with a pressure-sensitive sticker) in a size and manner that is likely to be read and understood by an ordinary individual under customary conditions of purchase,³ (b) inserting a card or slip of paper measuring at least 4"x 6" in the shipping carton, or (c) printing the warning on the packing slip or customer invoice in lettering of the same size as the description of the item ordered. The warning **must** read as follows:

Proposition 65 WARNING: Consuming foods or beverages that have been kept or served in leaded crystal products or handling products made of leaded crystal will expose you to lead, a chemical known to the State of California to cause birth defects or other reproductive harm. You may return this product for a full refund within 30 days of receipt, if you wish.

³ If the warning notice is attached to the face of the shipping carton, it must be no smaller than a standard-size business card.