

State of California • Department of Justice
OFFICE OF THE ATTORNEY GENERAL
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FOR IMMEDIATE RELEASE

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Brown Removes Pollution-Causing Products from Store Shelves

Oakland-Attorney General Edmund G. Brown Jr. today announced a court judgment against Pro's Choice Beauty Care, Inc., a New York-based hair care product distributor, blocking the company from selling "pollution-causing" products that also exacerbate respiratory illnesses.

The judgment also requires the retailers Rite Aid, Long's Drug Stores, CVS Pharmacy, Walgreen Company, Ralphs Grocery Company, Kmart and Target to remove these products at all California stores.

"Pro's Choice sold thousands of containers of pollution-causing hair products to consumers who unknowingly exposed themselves and the environment to harmful pollutants," Brown said. "Today's agreement will remove products from store shelves that pollute our air and exacerbate respiratory diseases such as asthma."

Pro's Choice, the largest distributor of professional hair care and nail products in the country, buys U.S. brand-name products overseas and re-imports the products to sell them below suggested retail value. The products are then redistributed to pharmacies, grocery chains, and wholesale clubs throughout the country.

In late 2006, the California Air Resources Board (CARB) and several district attorneys notified Brown's office that many products supplied by Pro's Choice contained air contaminants well above the state's limits on volatile organic compounds (VOCs.) Despite numerous tests and repeated violations and requests for compliance, Pro's Choice continued to sell these products to retailers.

Brown's office filed a lawsuit against the company in 2008. The company was charged with violating California's Health and Safety Code 42400 et seq., which protects air quality and prevents companies from intentionally discharging pollutants into the air.

VOCs significantly contribute to the formation of smog. Under California law, depending on whether the product is a hair spray, mousse, gel or styling product, each must meet California's stringent standards for VOC content. According to the American Lung Association's 2009 State of the Air Report, California has five of the top-ten worst smog areas and the highest rate of asthma in the country.

Some of the non-compliant products Pro's Choice resold to retailers include:

- Big Sexy Hair Dense at a Target in Modesto, CA;
- Redken Fabricate at a RiteAid in Modesto, CA;
- Sebastian Threads Microber Cream at a K-Mart in Lodi, CA;
- Sebastian Shaper Plus at Ralphs in Sacramento, CA;
- John Paul Mitchell Freeze and Shine Super Spray Firm Hold at Longs in Stockton, CA; and,
- Short Sexy Hair Hard Up Gel at Rite Aid in Torrance, CA.

Today's judgment requires Pro's Choice to:

- Stop selling or distributing products that violate the limits of VOCs;
- Pull all of the products found in violation;

- Identify and sort products that are non-compliant before distributing them for sale in California;
- Obtain written verification from the manufacturer that the product is compliant or test representative samples from the batch; and,
- Pay \$1.25 million in penalties and costs.

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