



INTERNATIONAL CRYSTAL FEDERATION

TO: Companies Selling Lead Crystal Products in the State of California
FROM: The International Crystal Federation
DATE: October 5, 2018
RE: **Proposition 65 Warnings for Lead Crystal Products Sold in California**

This memorandum is being sent to remind you that the sale in California of virtually all lead crystal products must be accompanied by “Proposition 65” warnings. *Although changes to the California Proposition 65 safe harbor warning regulations became effective for consumer products manufactured after August 30, 2018, those changes do not apply to the International Crystal Federation’s longstanding Proposition 65 warning signage program for leaded crystal products under a grandfathering provision in the same regulations. While we are reminding you of the need to continue to implement the Proposition 65 warning program for leaded crystal products, the materials needed to do so have not changed.*

The Proposition 65 warning requirements for lead crystal apply to all **retail stores** located in California; to all **“mail order” sales** made to California residents (whether by mail, catalogue, telephone or via the Internet); to **restaurants** in California that serve food or beverages in lead crystal; and to California **wineries** that sell lead crystal or use it for giveaways or tastings. In addition, **distributors** of lead crystal must pass on information about these Proposition 65 warning requirements to their customers.

A copy of the International Crystal Federation’s recommended Proposition 65 warning sign for retail sales in California of lead crystal is attached to this memorandum. More specialized warning language for “mail order” sales and warning signs for restaurants and wineries are available upon further request.¹ **Failure to provide Proposition 65 warnings for lead crystal as required could subject your company to enforcement litigation (including citizens’ suits), monetary penalties, and attorney’s fees.**

If you have questions about the specifics of the Proposition 65 warning program for lead crystal, or if you would like any associated documentation (including warning signs or posting instructions), please contact the International Crystal Federation’s Executive Director, Tim Maher, at 970-904-1263 or tfmaher1@comcast.net.

¹ In addition to Proposition 65 warnings required for the storage and consumption of food and beverages from lead crystal tableware, the International Crystal Federation recommends providing Proposition 65 warnings about potential exposures to lead from **handling** the exterior of lead crystal products, including for items such as crystal giftware (candlesticks, vases, bowls, etc.) and lighting. Lead crystal products are not intended primarily for use by children ages 12 and under regardless of whether or not a Proposition 65 or other warning is given for them.

The following is a synopsis of the Proposition 65 warning program for lead crystal.

SUMMARY OF PROPOSITION 65 WARNING REQUIREMENTS FOR RETAILERS OF LEAD CRYSTAL

If you are a retailer of any kind (no matter where you are based), and maintain retail outlets in California in which lead crystal products are sold, you must provide a warning by posting one or more warning signs in each California store as further described below.

Location of warning signs

- Any retailer may satisfy the requirements of the Proposition 65 warning program for lead crystal in any one of the following three ways. You may either:
 - Post 4-inch by 6-inch signs on each shelf where leaded crystal items are displayed, or
 - Post 8-inch by 10-inch signs at each location (such as in the aisle) where leaded crystal items are displayed (the signs may be free-standing, placed on a wall, hung, or displayed in any manner as long as a potential purchaser would be reasonably likely to see the signs), or
 - Post 4-inch by 6-inch (or, at your option, 8-inch by 10-inch) signs at, on, or adjacent to each checkout counter, sales register, cash stand, or cash wrap in the tableware department. If you do not have such separate facilities dedicated to a tableware department, and your store is less than 7,500 square feet, then you must place the warning signs at each checkout counter, sales register, cash stand, or cash wrap in the store.

These options are summarized in chart form below:

<i>Options for placement of Proposition 65 warning signs for lead crystal</i>	<i>Type of store</i>		
	Large department store (> 7500 sq. ft.) with separate checkout for tableware dept.	Large store (> 7500 sq. ft.) without separate checkout for tableware dept.	Small store (< 7500 sq. ft.) without separate checkout for tableware dept.
4x6 on display shelves	Yes	Yes	Yes
8x10 near display	Yes	Yes	Yes
4x6 at registers (optional: 8x10)	Yes – put signs at <i>all</i> registers in the dept.	No – signs at registers <i>not</i> allowed	Yes, but required at <i>all</i> registers in store

Content of warning signs

A number of different Proposition 65 warning signs for lead crystal have been approved by the California Attorney General's office and courts since the early 1990s. While you may use any of the approved signs, the International Crystal Federation recommends that you post the attached version of the sign, which, in addition to referencing food and beverage storage and consumption, also warn about potential exposures to lead from handling lead crystal.

Also, please note that if you sell Baccarat decanters, falcons, stoppered pitchers, or mustard or jam pots, you will need to use a special version of the warning sign that contains an asterisked footnote exempting these items from the warning message. Please contact the International Crystal Federation if you need these or copies of any other Proposition 65 warning signs for lead crystal.

REQUIREMENTS FOR PROPOSITION 65 WARNINGS CONCERNING OTHER CALIFORNIA SALES OR USES OF LEADED CRYSTAL

The following is a brief summary of requirements that apply to mail order and internet sales of lead crystal to California residents, as well as requirements for California restaurants or wineries that use or sell lead crystal.

- **Requirements for Mail Order, Telephone, Catalog, and Internet Sales to California Residents**

If you sell lead crystal products to residents of California by mail order, telephone, catalog, or the Internet – you must provide a Proposition 65 lead crystal warning to any customer who is a resident of California. The warning may appear in the catalog, on an ordering website, or in a package insert or label, but it also must meet highly specific requirements for each of these modes. (More detailed information concerning these requirements is available upon further request to the International Crystal Federation.)

- **Requirements for Restaurants**

If you operate a restaurant or other eating establishment in the State of California and serve food or beverages in lead crystal tableware, you must provide a warning to your patrons by posting a special lead crystal Proposition 65 warning sign for restaurants where it will be seen by your customers before they consume food. (These signs are available from the International Crystal Federation on request.)

- **Requirements for Wineries**

If you are a California winery that sells or uses lead crystal tableware products on your premises, you must post a special Proposition 65 lead crystal warning sign for wineries

on or near the cash register(s) or service counter(s) where lead crystal tableware articles may be purchased by consumers, and in or at the entrance to any area where wine is poured in lead crystal glasses for tasting. (These signs are available from the International Crystal Federation on request.)

REQUIREMENTS FOR DISTRIBUTORS OF LEAD CRYSTAL WHOSE CUSTOMERS MAY DO BUSINESS IN CALIFORNIA

If you are a distributor of any brand of lead crystal tableware, giftware, or lighting to retailers, mail order/Internet sellers, restaurants, or wineries, you must pass on Proposition 65 lead crystal warning program information (such as this memorandum) to all of your customers who may do business in California. You must also request that they implement the Proposition 65 warning program for lead crystal as described above. Failure to do so may subject you and your customers to enforcement lawsuits, penalties and attorneys' fees.