

## COURTS

### L.A. firm is fined \$10 million over lead-tainted lunchboxes

A court says T-A Creations violated California laws on toxic substances.

By Marc Lifsher  
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A Los Angeles company that sold 100,000 lead-tainted lunchboxes to the state health department last year has been ordered to pay a \$10-million fine for violating California laws on toxic substances.

Environmental activists and legal experts said the default judgment issued Tuesday in San Francisco County Superior Court against T-A Creations Inc. was the highest they could recall since voters approved Proposition 65 in 1986.

"We are shocked that a company would knowingly sell lead-tainted lunchboxes intended for California's children," said Michael Green, executive director of the Center for Environmental Health, an Oakland-based nonprofit group. "The judgment sends a strong signal that companies that put our children's health at risk will pay the price."

Spokesman Charles Margulis said the center notified T-A Creations in April 2006 that it had found unsafe lead concentrations in one of its lunchboxes sold to a summer camp. The company did nothing to correct the problem, he said. The center sued T-A Creations in July 2006.

According to state law, the Center for Environmental Health would get \$2.5 million from the default judgment, and \$7.5 million is to go to a special state environmental research and enforcement fund.

David Chen, T-A Creations' chief executive, said Wednesday that he had not been informed of the court decision. He declined to comment further.

The order by Superior Court Judge Richard A. Kramer also permanently bars T-A Creations, which sells a variety of bags and cases, from "offering soft food and beverage containers, including lunchboxes, lunchbags and coolers, for sale in California without providing clear and reasonable warnings of carcinogenic and reproductive harm caused by lead and lead compounds."

Proposition 65, known as the Safe Drinking Water and Toxic Enforcement Act, requires the posting of public warnings in businesses or on products that could expose people to chemicals that government scientists have found cause cancer or birth defects.

Lead is a carcinogen that is particularly dangerous to the developing brains and nervous systems of children. Even exposure to small amounts can affect a child's learning ability, hearing, growth, nervous system and gastrointestinal tract.

The lunchbox incident was among a flurry of cases last year involving lead-tainted children's jewelry, bibs, toys and novelty items -- many manufactured in China.

The lunchboxes proved embarrassing to the California Department of Public Health, which purchased the products to give away at fairs promoting healthful living, including eating fresh fruit and vegetables.

In September, public health authorities recalled 300,000 green and blue canvas lunchboxes the department had distributed throughout the state since 2004. A spot check by a Sacramento County lab found lead levels in some boxes "significantly above" the state's legal limit of 600 parts per million.

At the same time, the Center for Environmental Health was pursuing a lawsuit against T-A Creations and other lunchbox sellers, aimed at reaching agreements to remove lead from their products.

"We went to court repeatedly and asked the court to rule on the case, and the court continued to put us off to give T-A Creations a chance to appear. They never did," center spokesman Margulis said. T-A Creations, he said, was the only one of about 20 lunchbox sellers that did not reach a settlement.

Kramer's judgment against T-A Creations was particularly severe, legal experts said.

"This was a serious violation," said Harrison Pollak, a state deputy attorney general who handles environmental enforcement cases.

"Ten million dollars is huge," said Lana Beckett, publisher of Proposition 65 Clearinghouse, a legal newsletter. She noted that settlements in 156 cases in 2007 totaled only \$13.6 million.

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