

POST ACCIDENT (CON'T)

The complainant does not know how or when the wheel came off the block. She does not know if the child used his mouth or his hands to pull the wheel off the block. It is not known if the wheel was still attached to the block when the child began playing with the blocks prior to the accident. She cannot recall how the child was playing with the blocks prior to the accident.

The "Mega Blocks" had been purchased from a local Best Products store. The complainant went to the store to find the name of the manufacturer. The store no longer carries the toy. However, the manager was able to locate the name of the manufacturer on the inside of the block. The words "1986 Tara Toy" and "1986 Muppets Inc." are printed on the top of the inside of the block. Since this is printed in the same color as the block, it is not readily readable. The store manager was then able to find the address for Tara Toy Corporation.

PRODUCT IDENTIFICATION

Product:	Set of 17 interlocking plastic blocks.
Model:	"Mega Blocks"
Manufacturer:	Tara Toy Corp. 40 Adams Ave. Hauppauge, NY 11788
Date of Purchase:	February 1987
Place of Purchase:	Best Products Richmond, VA
Age Recommendation:	One to eight years.

The complainant had the entire set of blocks which was collected as a sample (J-805-6566). The blocks show a great deal of hard use. Several have broken pieces of which two fit into the small parts tester. One of these is the wheel. Also, some of the blocks are cracked.

ATTACHMENTS

Photographs

STANDARDS

16 CFR Part 1501, Method for identifying toys and other articles intended for use by children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts would apply.

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880107HCC0161

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

You are hereby authorized to disclose my name and address with the information collected on this case.

My identity is to remain confidential.

Shirley Ann Wilson

(Signature)

2/12/55

(Date)

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3207074CC0161

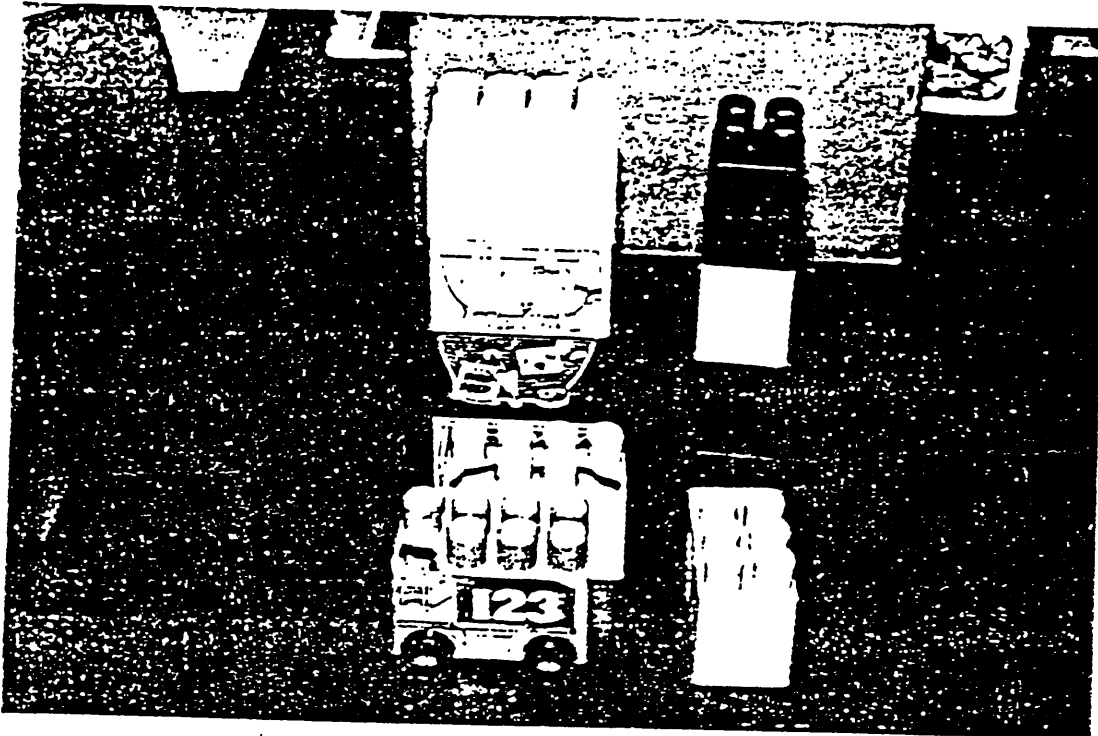


Photo 1
"Mega Blocks"
by Tara Toy
Corp. The set
consists of eight
smaller sized block
and nine larger
ones. Only one
block has plastic
wheels

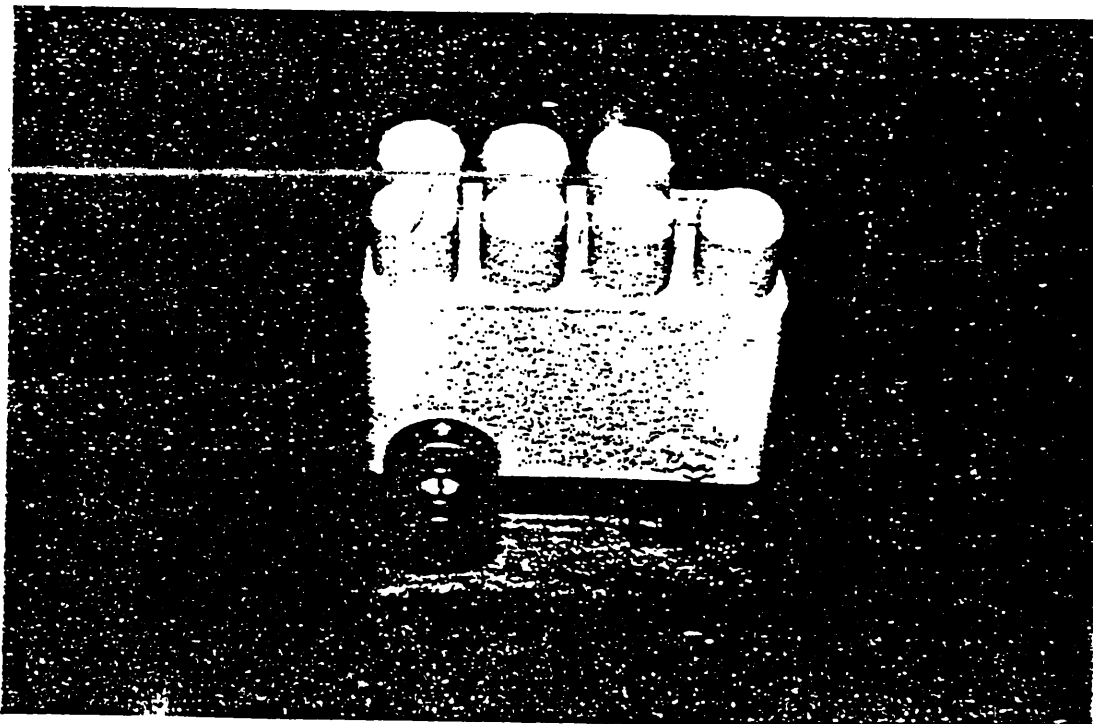


Photo 2
~~Closings of the~~
block with
wheels. Note
where the
wheel has
been removed.

11

880107HCC0161

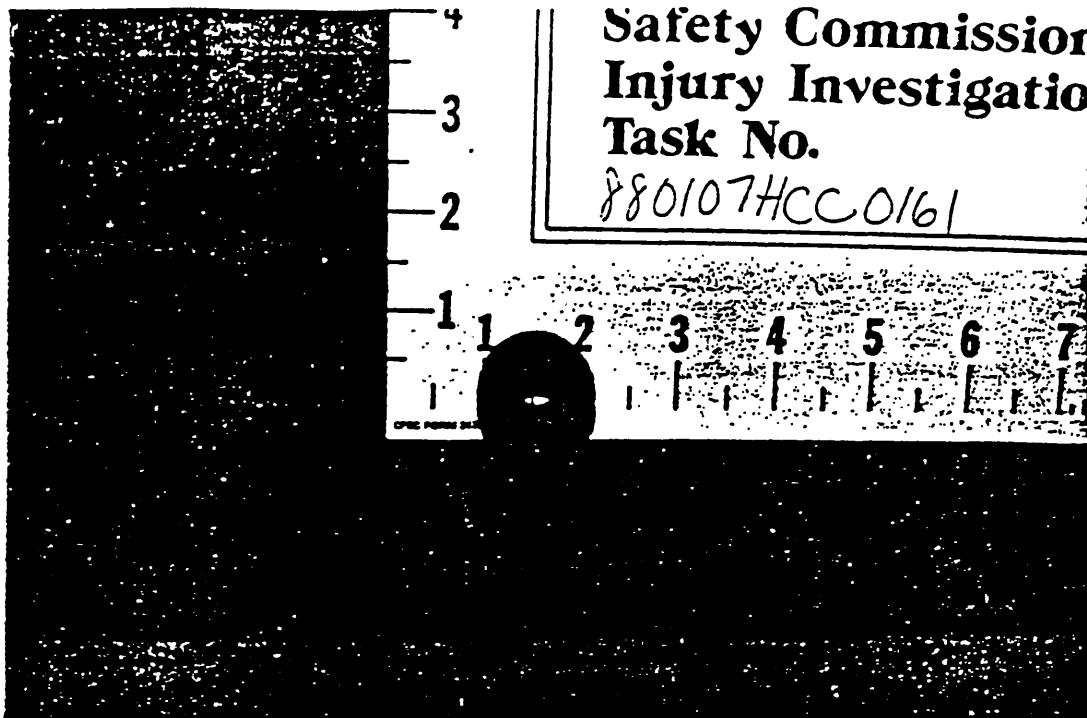


Photo 3

The wheel that became lodged in the child's throat. The wheel was lodged in the upright position with the wheel touching the roof of his mouth and his tongue but not either side of the throat.

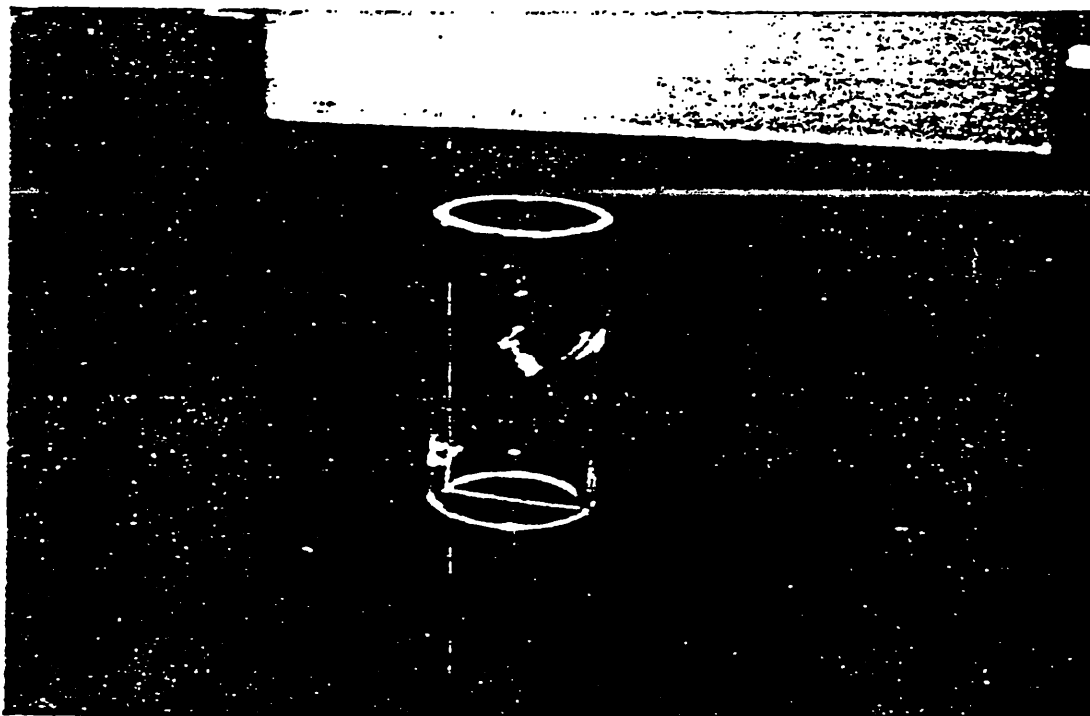


Photo 4

The wheel fits into the small parts tester.

72

Photo negatives

880107HCC0161

73

1/14/88
DJW
pls disse.

Op II
Pls. do
1/11/88

ACCIDENT INVESTIGATION REQUEST FORM

Document Number H7C5875 A1

Date of Incident 12/10/87 Category I.D. TYNN201988

Follow-up Requested Hazard Analysis Section 15

Type Follow-up Requested Telephone Call On-Site

Headquarters Contact Shelly Deppa 492-6468

Assignment Message Conduct an IDI on the attached document involving a choking incident. This information will be used to develop recommendations for enlarging the small parts cylinder. Follow man 3rd guideline in detail and attempt to obtain information on each item. If product is available, photograph with small parts cylinder to show relative size of object to cylinder attempt to collect as sample. Also, determine if child remained normal color and if child was able to cry out. Indicate child's age in months.

Person(s) to Contact Linda Moore (201) 749-3895
Rt 1 Box 2145
Rockville, VA.

Guideline # 48 Small parts Revised 3/3/86

Requested By Don Kendall

Task Number 880107 HCCO/61

Assigned to NYC Date 1/7/87

Rec'd 1-22

dated
06/01/11

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CONSUMER PRODUCT INCIDENT REPORT

L-64

10/1/86

1. Name of Respondent <i>Linda Moore</i>		2. Telephone No. (Home) <i>804-749-3895</i>		(Work) <i>None</i>	
3. Street Address <i>RT. 1 Box 2145</i>		City <i>Rockhill</i>		State <i>VA</i>	
Zip Code <i>23146</i>		5. Give details of accident, injury, or illness. Describe how incident occurred. (Use reverse side if necessary.) <i>Sesame Street Blocks with stickers. 1-8 year age recommendation. One of the blocks has wheels on it. Son pulled the wheel off and almost choked. The wheel was down in son's throat. Mother pulled wheel out of son's throat. The plastic wheel was 1 1/2" in diameter (round). The top of the block 3/4" (round) also came off. The top of block is a interlocking device to attach blocks together. The blocks are 4x2" in diameter in size. There are 17 pieces to block set.</i>			
6. If injury or illness: Victim's Name <i>Timothy</i>		Relationship <i>Son</i>		Age <i>2 yrs.</i>	
Sex <i>M</i>		Date <i>12/10/97</i>		Type Injury <i>Choking</i>	
Body Part Involved <i>throat</i>		Treatment <i>mother removed block</i>			
7. Description of Product <i>17 Piece Plastic Blocker</i>		Purchased: <i>11/97 gift</i>		8. Was the product: Damaged before incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Required before incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Required after incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
9. Brand Name <i>Misc Blocker</i>		10. Identifying Numbers, Lot Nos, etc. <i>unknown</i>			
11. Manufacturer's Name and Address <i>address unknown</i>		12. Dealer's Name and Address <i>Best Products Richmond, VA.</i>			
13. How product acquired? Purchased New <input checked="" type="checkbox"/> Returned <input type="checkbox"/> Other <input type="checkbox"/>		14. Age of Product <i>1 yrs.</i>			
15. Is product available for inspection? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/>		16. Does product have warning labels or instructions? Are they available? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
17. Have you contacted the manufacturer? If not, do you plan to contact them? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		18. Do you object to the use of your name? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

FOR ADMINISTRATIVE USE ONLY

21. Source of Report Local <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Other <input type="checkbox"/>		24. Document No. <i>H7C 5875</i>	
25. Follow-Up Action <i>880107Hcc0161 EPDS DEC 17 1987</i>		26. Product Code(s) <i>A 1326 B</i>	
23. Distribution		27. Encoder's Name/Title <i>CP</i>	



LABTEST HONG KONG LTD

First Floor, Block A & D, Garment Centre,
576-596 Castle Peak Road, Kowloon, Hong Kong
Tel: 47488600 Facsimile: G111/G113-7420444
Telex: 55135 LABHK HX Cable: LABTEST

Hong Kong Government Recognized Service Supplier
Approved Laboratory of International Wool Secretariat

Members of: American Society for Testing and Materials
British Standards Institute
Hong Kong Association of Certification Laboratories

TEST REPORT

APPLICANT: SONG INTERNATIONAL LIMITED
6/F., SOUTH SEAS CTR., TOWER 1,
75 MOODY RD.,
TSIM SHI TSUI E.,
KLN., H.K.

NUMBER C 73326 (CC-70034)

DATE: APR 15, 1987

SAMPLE DESCRIPTION:

ONE (1) SET OF SUBMITTED SAMPLE SAID TO BE BIG BLOCKS SESAME STREET CONSTRUCTION
SET WITH THREE ASSORTED PACKING STYLES.
ITEM NO. : 73000/73100/73200.
AGE GRADING : AGE 1 & UP.

TESTS CONDUCTED:

AS REQUESTED BY THE APPLICANT, FOR DETAILS PLEASE SEE ATTACHED PAGE(S)

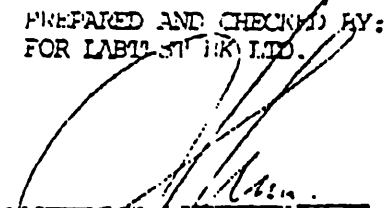
CONCLUSION:

THE SUBMITTED SAMPLE SET WAS FOUND COMPLIED WITH THE REQUIREMENTS OF U.S.
CONSUMER PRODUCT SAFETY COMMISSION FOR PHYSICAL AND MECHANICAL TESTS FOR
TOYS AND ARTICLES INTENDED FOR USE BY CHILDREN AS WELL AS FLAMMABILITY TEST
FOR RIGID AND MILEABLE SOLIDS.

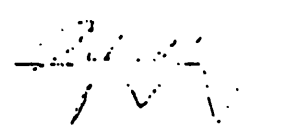
REMARK : THE LARD CONTENT OF THE REQUIREMENTS OF U.S. CONSUMER PRODUCTS SAFETY
COMMISSION WAS NOT APPLICABLE TO THE SUBMITTED SAMPLE SET.

PAGE 1/TO BE CONTINUED

PREPARED AND CHECKED BY:
FOR LABTEST H.K. LTD.


ANDREW M. CHUNG
LABTEST H.K. LTD.

AUTHORISED BY:
FOR LABTEST H.K. LTD.


ALFRED F. YUNG
PRESIDENT





LABTEST HONG KONG LTD

First Floor, Block A & D, Garment Centre,
57B-58B Castle Peak Road, Kowloon, Hong Kong.
Tel: 3-7468800 ? Facsimile: G111/G11 3-7420444
Telex: 55135 LABHK HX Cable: LABTEST

Hong Kong Government Recognized Service Supplier
Approved Laboratory of International Wool Secretariat

Members of: American Society for Testing and Materials
British Standards Institute
Hong Kong Association of Certification Laboratories

TEST REPORT

TESTS CONDUCTED:

NUMBER C 73326 (CG-70)

01 PHYSICAL AND MECHANICAL TESTS

AS PER U.S. CODE OF FEDERAL REGULATIONS TITLE 16 PART 1500.48 SHARP POINT, PART 1500.49 SHARP EDGE AND PART 1501 SMALL PARTS, BOTH BEFORE AND AFTER CONDITIONING AS SET FORTH IN PART 1500.50.

LABELLED AGE GROUP : AGES 1 AND UP.

	SHARP POINT (1500.48)	SHARP EDGE (1500.49)	SMALL PART (1501)
AS RECEIVED	P	NA	P
AFTER IMPACT (1500.51 (E))	P	NA	P
AFTER FLEXURE (1500.53 (D))	NA	NA	NA
AFTER TORSION (1500.53 (E))	P	NA	P
AFTER TENSION (1500.53 (F))	P	NA	P
AFTER COMPRESSION (1500.53 (C))	P	NA	P

REMARKS : P = PASS
F = FAIL
NA = NOT APPLICABLE

02 FLAMMABILITY TEST

AS PER U.S. CODE OF FEDERAL REGULATIONS TITLE 16 PART 1500.44 FOR RIGID AND FLEXIBLE SOLIDS

BURN LENGTH (INCH)	TIME (SECOND)	BURN RATE (INCH/SECOND)	LIMIT (INCH/SECOND)
1.5	60	0.03	0.10

PAGE 2/TO BE CONTINUED



LABTEST HONG KONG LTD

First Floor, Block A & D, Garment Centre,
676-506 Castle Peak Road, Kowloon, Hong Kong.
Tel: 3-7468600 ! Facsimile: G111/G113-7420443
Telex: 65135 LABHK HX CABLE LABTEST

Hong Kong Government Recognized Service Supplier
Approved Laboratory of International Wool Secretariat

Members of: American Society for Testing and Materials
British Standards Institute
Hong Kong Association of Certification Laboratories

TEST REPORT

TEST CONDUCTED:

NUMBER C 73326 (CG-70034)

03 LEAD CONTENT

AS PER U.S. CODE OF FEDERAL REGULATIONS TITLE 16 PART 1303 BY ATOMIC
ABSORPTION SPECTROPHOTOMETRIC ANALYSIS.

ASSESSMENT: NOT APPLICABLE

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

April 19, 1988

President
Tara Toy Corporation
40 Adams Avenue
Hauppauge, NY 11788-3606

Re: N830069

Dear Sir:

The U.S. Consumer Product Safety Commission shares with firms product complaints and in-depth investigation reports concerning injuries or potential injuries associated with products the firms manufacture or import that are within the Commission's jurisdiction. Some of the reports are very detailed. Others are not detailed but nevertheless mention the products by name.

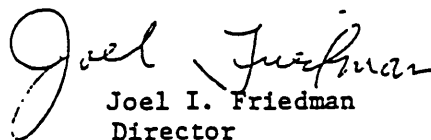
To best serve the interests of consumer and manufacturers, we now screen these reports and generally do not send to firms reports involving products (1) where the complainant has already contacted the manufacturer, (2) where the problem appears to be economic rather than safety related, or (3) where it appears that the product is not at fault or indirectly involved.

Applying these criteria, we have determined that the enclosed information should be sent to you. We believe that sharing this information benefits the Commission, consumers, and industry since problems submitted by conscientious users can serve as an early warning signal that there may be a product safety problem. If you wish to comment on the enclosed report(s), you may submit your comments to the undersigned. Be sure to include the above-mentioned document number and the name of the product in any reply.

If the report we have provided you along with other information you have or may receive reasonably supports the conclusion that there would be a substantial product hazard, please keep in mind your reporting responsibilities under Section 15 of the Consumer Product Safety Act, 15 U.S.C. Section 2064(b). For more information on the reporting requirements, please contact Carlos Perez, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6608).

In the interest of product safety, we will continue to share these reports with you.

Sincerely,


Joel I. Friedman
Director



TC-21 EPDS

CONSUMER PRODUCT INCIDENT REPORT

31 MAR 1988

1. Name of Respondent EILEEN Becheta		2. Telephone No. (Home) 434-8981		(Work) —
3. Street Address 1437 Linden St		4. City, Allentown	State, Pa	Zip Code 18102
5. Give details of accident, injury, or illness. Describe how incident occurred. (Use reverse side if necessary.) Sesame street fully bandable (child safe) doll 2 inches tall. Wire came thru the arm. Item only 2 weeks old No injury. Problem caught in time Ages 3+ up. child using item is 3 Muppet trademark				

6. If injury or illness: Victim's Name _____ Relationship _____	
Age _____ Sex _____ Date _____	Type Injury _____
Body Part Involved _____ Treatment _____	

7. Description of Product Fully bandable doll. 2 inches tall Sesame street character	8. Was the product: Damaged before incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Repaired before incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Repaired after incident? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
----------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

9. Brand Name N/A Muppet Trademark	10. Identifying Numbers, Letters, etc. 71000 style #
----------------------------------------------	----------------------------------------------------------------

11. Manufacturer's Name and Address 1986 Tara Toy Corp. Hautpauge, N.Y. 11788	12. Dealer's Name and Address
---------------------------------------------------------------------------------------------	-------------------------------

13. How product acquired? Purchased New <input checked="" type="checkbox"/> Second Hand <input type="checkbox"/> Other _____	14. Age of Product 2 weeks
---------------------------------------------------------------------------------------------------------------------------------	--------------------------------------

15. Is product available for inspection? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other _____	16. Does product have warning labels or instructions? Are they available? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------

17. Have you contacted the manufacturer? If not, do you plan to contact them? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	18. Do you object to the use of your name? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------

FOR ADMINISTRATIVE USE ONLY

19. Receiving Office PHLRP	20. Date Received 3/16/88	21. Received by David Stewart	22. Reporting Office
23. Source of Report Letter <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Other _____			24. Document No. NS3-0069

26. Product Code(s) A. 5004 B.		
---------------------------------------------	--	--

27.

28. Distribution EPDS/EP/FOEP CP	29. Endorser's Name/Title Harold Byers Person Officer
--------------------------------------------	---------------------------------------------------------------------



MAR 2 1988

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207
April 19, 1988

Mr. Richard L. Werner
President
R.D. Werner Co., Inc.
Werner Road
Greenville, PA 16125

Re: C815031

Dear Mr. Werner:

The U.S. Consumer Product Safety Commission shares with firms product complaints and in-depth investigation reports concerning injuries or potential injuries associated with products the firms manufacture or import that are within the Commission's jurisdiction. Some of the reports are very detailed. Others are not detailed but nevertheless mention the products by name.

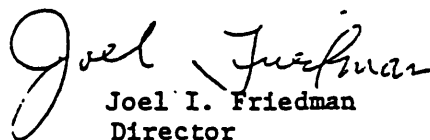
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If the report we have provided you along with other information you have or may receive reasonably supports the conclusion that there would be a substantial product hazard, please keep in mind your reporting responsibilities under Section 15 of the Consumer Product Safety Act, 15 U.S.C. Section 2064(b). For more information on the reporting requirements, please contact Carlos Perez, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6608).

In the interest of product safety, we will continue to share these reports with you.

Sincerely,


Joel I. Friedman
Director

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10-24

EPOS/ASL

2 FEB 1988

Law Offices

MICHAEL WEINBERGER
80 WALL STREET
NEW YORK, N. Y. 10005
TELEPHONE (212) 269-9488
TELEX 127-097-TCHYK

C815031

MICHAEL WEINBERGER
JOSEPH I. ROSENZWEIG

THOMAS L. GAZIANIS
PETER S. SHEDDEN
OF COUNSEL

15

EPDS

FEB 29 1988

580115
~~580115~~
0688

TO: C.P.S.C. - FOIA.
5401 West Bard Ave
Bethesda Md. 20207

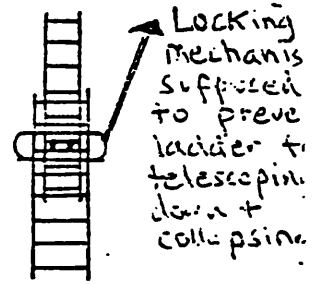
REGARDING: Werner Extension
Ladders

DATE: 12/29/87

SPEED
MESSAGE:

My client, [REDACTED], was injured when his 32' Werner Extension Ladder "telescoped" back down to the ground, throwing him off it.

The locking mechanism failed →



It was a Type 1 industrial, D-1332-2, although ALL Werner Extension ladders seem to use the same lock mechanism. Please send me any information you have on Werner Extension ladders that collapse* or experience a failed locking mechanism. Thanks! Mike Weinberg

*"telescope"

CA/EPK



U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

(212) 264-1123

JAN 16 1990

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jeffrey Locker
Locker, Greenberg & Brainin, P.C.
One Penn Plaza
New York, NY 10119

Dear Mr. Locker:

This response is a follow-up to your letter dated 1/11/90 and concerns the Tara Toy Corp. #72600 Play N Carry Cookies Shop.

Please submit your proposal as it relates to when, where, and how the approximate 2,300 pieces will be destroyed. Upon our receipt of this proposal, we will evaluate the validity of the proposal and coordinate its supervision.

We acknowledge your position that the firm has no intention of recalling the approximate 40,000 units previously sold. Therefore, this office is terminating its attempts to work out a recall program in this matter and this case file is being forwarded to our Headquarters for litigation consideration.

Sincerely,

Robert E. Moro
Senior Compliance Officer

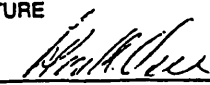
cc: Marvin Hellerman
Tara Toy Corp.
40 Adams Ave.
Hauppauge, NY 11788

cc: Beatrice Palmer
U.S. Customs
Hemisphere Plaza
Newark, NJ 07114

- Connecticut
- Delaware
- District of Columbia
- Florida
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Virgin Islands
- West Virginia

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EF

FIELD ACTIVITY COVERSHEET			
1. REGION/STATE FOER	2. OPERATION (Check One) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other _____		3. DATE 9-15-89 4. NUMBER (For RO Use) 890908CCC2408
5. ESTABLISHMENT Name <u>Tara Toy Corp.</u> Address _____ City <u>Hauppauge</u> State <u>NY</u> Zip <u>11788</u> Telephone No. _____			
6. RELATED FIRM <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other _____ Name _____ City _____ State _____			
7. PRODUCTS COVERED <u>Bedtime Bear Stuffed Toy Bear</u>		8. OTHER CONSUMER PRODUCTS _____	
9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other _____		10. ANNUAL PRODUCTION Product Covered \$ _____ Units _____ Other Products \$ _____ Units _____	
11. I.S. BUSINESS % Received _____ % Shipped _____	12. SAMPLES COLLECTED	13. MIS CODE	14. HOURS Activity _____ Travel _____
15. REASON FOR ACTIVITY (Assignment Reference) _____			
16. ANNOUNCED <input type="checkbox"/> Rationale for Announced Inspection UNANNOUNCED <input type="checkbox"/>			
17. EMPLOYEE'S NAME	TITLE	SIGNATURE	
18. <input checked="" type="checkbox"/> ENDORSEMENT <input type="checkbox"/> REMARKS <input type="checkbox"/> SUMMARY <input type="checkbox"/> OTHER _____ <p>No follow up recommended to this incident in which the yarn "Pom Pom" came off the hat of a toy stuffed bear and a 6 month old choked on part of it.</p>			
19. REVIEWER'S NAME John R. Vece	TITLE S.P.S.I.	SIGNATURE 	
20. REVIEW DATE 11-1-89	21. DISTRIBUTION O: EPDS; cc: CACA, T. Rogers; cc: FOER; cc: FOCR.		

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FEK

1. CASE NO. 890908 CCC 2408			2. INVESTIGATOR'S ID 8 1 3 3				3. OFFICE CODE 8 3 0			EPIDEMIOLOGIC INVESTIGATION REPORT
4. DATE OF ACCIDENT YR MO DAY 8 9 0 8 2 3			5. DATE INVESTIGATION INITIATED YR MO DAY 8 9 0 9 1 5							

6. SYNOPSIS OF ACCIDENT OR COMPLAINT A 6 Mo. Old boy was found choking in his playpen by his father. He was choking on a pom-pom he had chewed off the top of the hat of a toy with which he had been sleeping. The child eventually spit up the fabric (thread or yarn) and began to breathe normally. No permanent injury occurred.

7. LOCATION (Home, school, etc.) Home		8. CITY Williamsburg		9. STATE Ohio	
------------------------------------------	--	-------------------------	--	------------------	--

10A. FIRST PRODUCT Toy Doll		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Tara Toy Corp. Hauppauge, N.Y. Item 15600			
--------------------------------	--	-------------------------------------------------------------------------------------------------------------	--	--	--

10B. SECOND PRODUCT None		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS None			
-----------------------------	--	---------------------------------------------------------------------	--	--	--

12. AGE OF VICTIM 2 0 6		13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 1		14. DISPOSITION No injury 9		15. INJURY DIAGNOSIS No injury 7 1	
----------------------------	--	-------------------------------------------------------------------------	--	-----------------------------------	--	------------------------------------------	--

16. BODY PART No injury 9 9		17. RESPONDENT(S) (Mother, Friend) Mother, father 1		18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 1		19. TIME SPENT 9 0 11. 3	
-----------------------------------	--	-----------------------------------------------------------	--	--------------------------------------------------------------------	--	--------------------------------	--

20. ATTACHMENTS Photos 1		21. CASE SOURCE Hot line 0 7		22. REVIEWED BY 8 1 3 0		YR MO DAY 8 9 1 1 0 1	
--------------------------------	--	------------------------------------	--	----------------------------	--	--------------------------	--

23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY)				CPSC MAY DISCLOSE MY NAME <input checked="" type="checkbox"/>		CPSC MAY NOT DISCLOSE MY NAME <input type="checkbox"/>	
------------------------------------------------------------	--	--	--	---------------------------------------------------------------	--	--------------------------------------------------------	--

24. NARRATIVE (See Instructions on Other Side)				25. REGIONAL OFFICE DIRECTOR REVIEW DATE			
------------------------------------------------	--	--	--	---------------------------------------------	--	--	--

66

(USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY)

890908CCC2408

SYNOPSIS:

A six month old boy was found in his playpen by his father. The child was choking on a pom-pom he had chewed off the top of the hat of a toy with which he was sleeping. The child eventually spit up the fabric (thread or yarn) and began to breathe normally. No injury resulted.

PRE-INCIDENT:

The toy was purchased at a home demonstration party before the child was born. The toy was available for the child's use from birth on. No other child played with this toy. No assembly was necessary. No problem was noted with the pom-pom on the hat. It seemed to be firmly attached. It seemed to be sewn on.

The child was placed in his playpen on 8-23-89 and he played with a variety of toys. His father was in the same room but not directly observing the child.

The child at the time of the incident was six months old, male and 16-1/2 pounds. He was described as normally active without handicaps.

INCIDENT:

The child's father noted that the six month old child was making choking sounds. He examined the child and noted that pom-pom threads were on the bottom of the playpen, in the child's mouth and a few were left on the hat.

The child was choking on the threads and when he was picked up he spit up and began breathing normally.

POST INCIDENT:

The child was not injured. Examination of the toy revealed that the pom-pom had been sewn on and the child had apparently chewed the pom-pom apart.

Most of the pom-pom was discarded.

Photos of the toy are attached.

STANDARDS:

No standards information was available. Labeling on the bear simply provides the state registration numbers.

PRODUCT IDENTIFICATION:

The toy is a stuffed bear approximately 11 inches tall. The bear has a book on its chest which is permanently attached. The bear is assembled with a different material on its body so as to simulate pajamas. It is wearing a sleeping cap which is pointed. At the top of the hat was a 3/4 inch diameter "Pom-Pom" made of thread or yarn. This was sewn on.

87

89090SCCC2408

-2-

PRODUCT IDENTIFICATION CONT.:

The book on the bear's chest states - Bedtime Bear Story Book. A tag on the side seam of the bear states - Bedtime Bear Tm. Tara Toy Corporation, Hauppauge, N.Y. 11788. All New Material. Contents: Polyester Fibre. PA. Reg. No. 1694. Mass Reg. No. T-754. Made in China. Item # 15600.

The toy was purchased through a host system at a friend's home. The item was picked from a House of Lloyd Catalog from House of Lloyd Co., 11901 Grandview Rd, Grandview, Missouri 64030. The item is not in the present catalog.

88

U. S. CONSUMER PRODUCT SAFETY COMMISSION

890908 CCC 2408

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

You are hereby authorized to disclose my name and address with the information collected on this case.

My identity is to remain confidential.

Shirley L. Compton
(Signature)

10-20-89
(Date)

89



FRONT
VIEW

890908 CCC 2408

REMAINS OF POM-POM

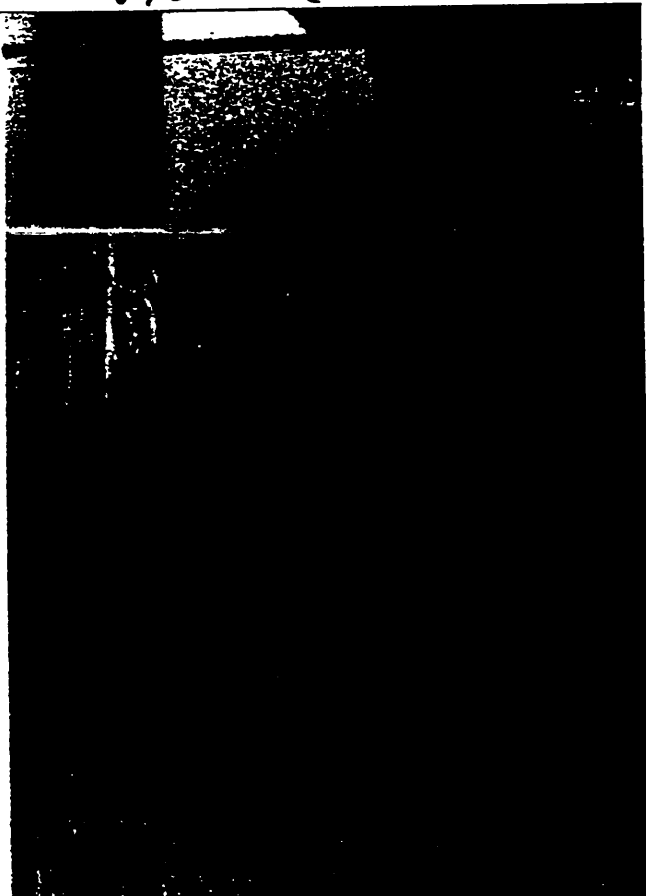


REAR
VIEW



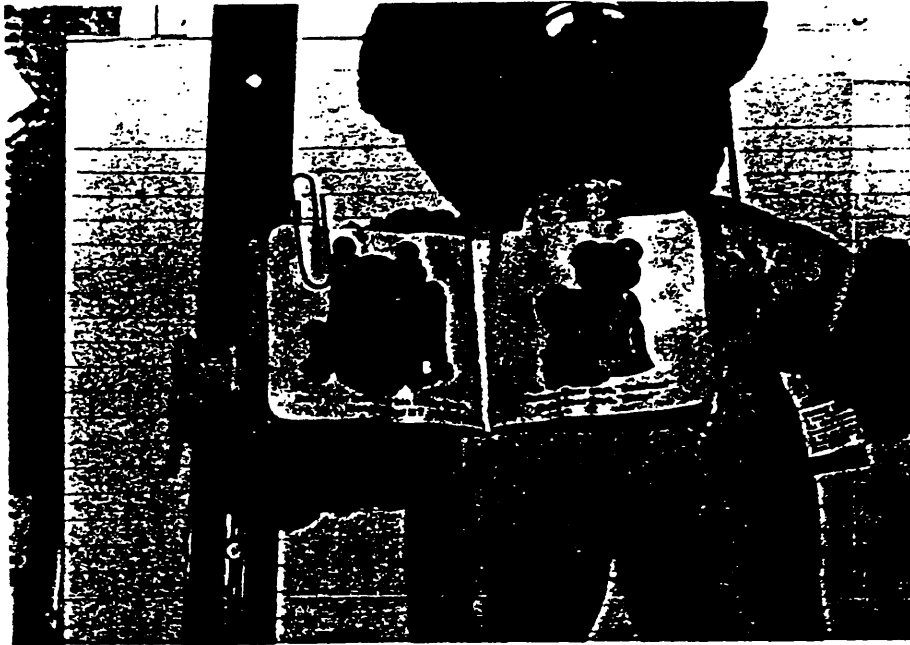
LABELING

890 908 CCC 2408



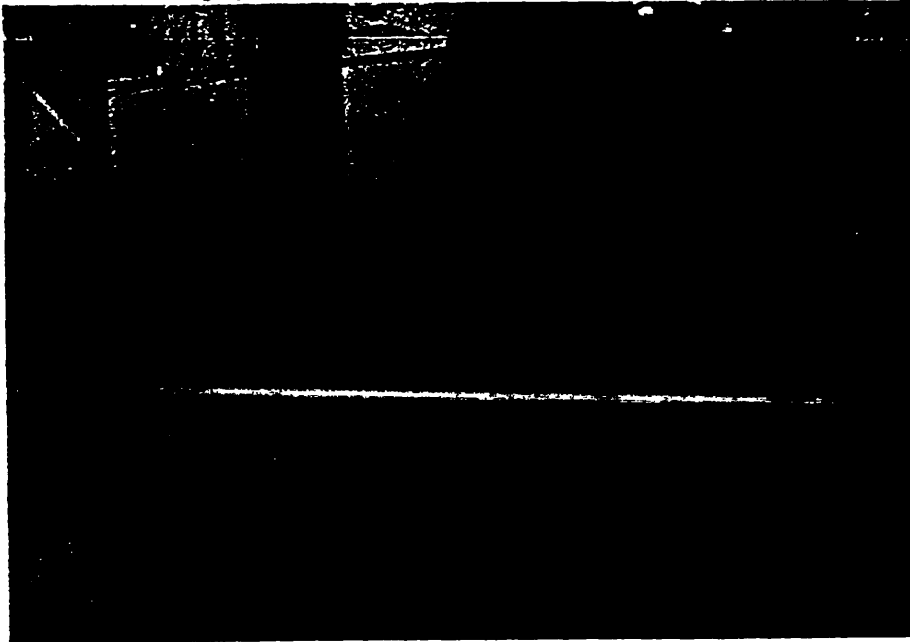
LABELING

al



BOOK
OPEN
TO
PAGES

890908 CCC 2408



92

ACCIDENT INVESTIGATION REQUEST FORM

Document Number H980133A1

Date of Incident 8/23/89 Category I.D. SECT 151989

Follow-up Requested Hazard Analysis Section 15

Type Follow-up Requested Telephone Call On-Site

Headquarters Contact Tessi Rogers 492-6608

Assignment Message Conduct an investigation of the pom-pom injection related incident reported in the attached complaint. Determine size and attachment of pom-pom to hat. Copy from House of Loyds catalogue, brochure, etc if available. If not, have parent diagram. Obtain pieces as sample if available. Photograph bear & any remaining components.

Person(s) to Contact Sherry Cantton
Williamsburg, Oh.
513-625-6619

Guideline _____

Requested By L. Jacobson

Task Number 890908 CCC 2408

Assigned to Chi Date 9/8/89 ap

F/M **23**

C

CONSUMER PRODUCT INCIDENT REPORT

W-5

T-21

7/5

(15)
TR
FYI

1. Name of Respondent Sherry Camtton		2. Telephone No. (Home) 513-625-6619		(Work) 513-241-8641	
3. Street Address 3121 Weaver Road			4. City, State, Zip Code Williamsburg OH 45176		
5. Give details of accident, injury, or illness. Describe how incident occurred. (Use reverse side if necessary.) Child was in playpen playing with 5-1/2" high and 4-1/2" wide teddy bear when father heard son gasping for air. Father found pieces of pom-pom cloth fiber in son's mouth. Son vomited and fully recovered. Most of the pom-pom disintegrated in son's mouth and a small amount remained on the teddy bear's hat and in the playpen. The pom-pom was attached to teddy bear's hat (consumer does not know how pom-pom was attached to hat). Age recommendation: unknown -continued-					
6. If injury or illness: Victim's Name <u>Steven Camtton</u> Relationship <u>son</u> Age <u>6 mos.</u> Sex <u>M</u> Date <u>8/23/89</u> Type Injury <u>near choking, vomiting</u> Body Part Involved <u>mouth, throat</u> Treatment <u>none</u>					
7. Description of Product stuffed bear 8/88			8. Was the product: Damaged before incident? Yes ___ No <u>X</u> Repaired before incident? Yes ___ No <u>X</u> Repaired after incident? Yes ___ No <u>X</u>		
9. Brand Name Bedtime Bear with Book			10. Identifying Numbers, Letters, etc. PAREG, PA-1R53		
11. Manufacturer's Name and Address Tara Toy Corporation Hauppauge, NY 11788 (street address unknown)			12. Dealer's Name and Address House of Lloyd's Party (address unknown)		
13. How product acquired? Purchased New <u>X</u> Second Hand ___ Other ___				14. Age of Product 1 year	
15. Is product available for inspection? Yes <u>X</u> No ___ Other ___			16. Does product have warning labels or instructions? Are they available? Yes ___ No <u>X</u>		
17. Have you contacted the manufacturer? If not, do you plan to contact them? Yes ___ No <u>X</u>			18. Do you object to the use of your name? Yes ___ No <u>X</u>		
FOR ADMINISTRATIVE USE ONLY					
19. Receiving Office HL		20. Date Received 8/30/89		21. Received by CTW	
23. Source of Report Letter ___ Phone <u>X</u> Visit ___ Other ___				24. Document No. A98 0133	
25. Follow-Up Action EPDS SEP 6 1989 890908CCC 2408				26. Product Code(s) A. B.	
28. Distribution				27.	
28. Distribution			29. Endorser's Name/Title W		

92

Teddy bear has a 2" square story book attached to his stomach.
Label attached to teddy bear stated: polyester fiber.

Consumer feels teddy bear should be recalled.

EPDS

SEP 6 1989

H980133

as



U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 23 1989

Mr. Marvin Hellerman, President
Tara Toy Corp.
40 Adams Avenue
Hauppauge, NY 11788

Re: Case No. 900318

Dear Mr. Hellerman:

As a follow-up to a joint inspection performed on 10/10/89 with the U.S. Customs Service in Newark, N.J. samples of your firm's #72600 Carry Case items were collected for laboratory analysis. These items were part of a shipment imported by your firm under entry no. #K09-0102231-7. Item #72500 (L-800-0319) was found to meet the requirements.

However, our laboratory analysis of this sample(L-800-0320)revealed that components separated from all the units when subjected to the use and abuse tests as outlined in 16 CFR 1500.52. These components fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. These findings cause your firm's #72600 Carry Case items to be a banned hazardous substance as defined in Section 2(q) of the Federal Hazardous Substances Act (FHSA). Attached for your information are copies of the FHSA, its regulations and our laboratory findings.

We have requested the U.S. Customs Service seize the 1,800 pieces of the #72600 Carry Case items that were part of this import shipment because the failure to comply with these requirements presents a substantial risk of serious injury or death.

Your firm should immediately terminate the distribution of previous shipments of the #72600 Carry Case items and take corrective action regarding the products previously distributed. Those items present a serious choking, aspiration, or ingestion hazard because the components separate very easily from the toy and are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

- Connecticut
- Delaware
- District of Columbia
- Florida
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Virgin Islands
- West Virginia

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In this case, we request that you:

- o Stop sale of the products.
- o Provide notification to distributors and retailers informing them of the problem, requesting them to stop sale, and recall.
- o Provide point of purchase posters to retail customers and request that they be displayed for not less than 120 days at the retail outlets where the toys were purchased.
- o Issue public notice in the form of a joint press release.

The Commission has the authority to require that you provide public notification that the product is banned, and repair, replace or provide a refund for the banned product, if the Commission finds, after affording interested persons an opportunity for a hearing, that such corrective action is in the public interest.

Continued sale after receipt in interstate commerce of banned or misbranded hazardous substances is prohibited by Section 4 of the Federal Hazardous Substances Act and punishable by the penalties described in Section 5 of the Act, which states that any person who violates any of the provisions of Section 4 shall be guilty of a misdemeanor. Conviction thereof will subject the responsible party to imprisonment for not more than ninety days, but for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, imprisonment for not more than a year. Further, under recent legislation applicable to the FHSA maximum criminal penalties are, \$5,000 for individuals and \$10,000 for organizations for first violations; \$100,000 for individuals and \$200,000 for organizations for second and subsequent offenses and for offenses committed with intent to defraud or mislead; and \$250,000 for individuals and \$500,000 for organizations for violations if a death results.

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If you disagree with the conclusion that these products are in violation of the Small Parts Regulations, you may submit your views on why these products are not in violation of the regulation or why it is not in the public interest to provide corrective action. The staff will give full consideration to any such information submitted before proceeding in this matter.

Our fact sheet on confidentiality is attached for your information.

Please advise us of your plans for disposition of the toys. If you wish to comment on our findings regarding these items, you may do so by submitting your comments in writing within ten days of your receipt of this letter. However, please be on notice that, Commission Staff Policy requires all compliance matters relating to reconditioning, destruction or export of the violative goods cited herewith to be resolved within 90 days from the date of this notice. Failure to resolve the matter within 90 days may result in immediate adverse action. Your response should address the measures you propose to take in bringing subject merchandise into compliance with the law, correction of violative toys in your possession already in domestic commerce, the expected timetable for correction of any future production of these, and your intentions regarding recall, repurchase, placement or repair of the toys already sold. You should review Section 14 of the Federal Hazardous Substances Act before preparing your plan. Please direct your written response and any questions to Robert E. Moro, Senior Compliance, Officer (212) 261-1103.

Sincerely,



Richard D. Swackhamer
Director
Eastern Regional Center

Enclosures



N.I.
309

FIRM: TANA TOYS
40 Adams Ave
HAUPPAUGE NY

681
Beverly Cohen
pls file
M 11/15/89

TO : FOER OPERATIONS REQUEST DATE 12/28/89
FROM : FOER COMPLIANCE DATE ASSIGNED _____
Bennett Soto
Garitta Moro GROUP _____
N# _____
SUBJECT: FIELD ACTIVITY REQUEST SECTION 15 MEETING _____
(a) Section 15 Case # _____ ASSIGNMENT DUE 1/19/90
(b) Regulated Product Case # 900318
(c) Surveillance _____
(d) Other _____

BACKGROUND: This case was generated as a result of CTL - Newark & the firm's #72600 was found in violation of 16CFR 1501. The firm refuses to recall & a complete EI is needed for litigation

REQUEST: Conduct a full EI per FPC 90-001. Document corporate structure & individual responsibility. Document previous & current sales of the #72600 item. Examine line for similar violations

ATTACHMENTS:
COA dated 10/28/89
Response dated 11/22/89
Foer letter dated 12/1/89

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CP



U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

(212) 264-1123

DEC 4 1989

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jeffrey Locker
Locker Greenberg & Brainin, P.C.
One Penn Plaza
New York, NY 10119

Dear Mr. Locker:

This response is a follow-up to your letter dated 11/22/89 and concerns the #72600 Play N Carry Cookies Shop imported by Tara Corp., Hauppauge, New York.

Your response has been evaluated and we are in total disagreement with your position that this item is not intended for children under three years old. It is still our position that the #72600 item is intended for children under 3 years old since the product is a Sesame Street theme and the characters are simple to use and accompanied with a lightweight carrying case. Our analysis of the sample (L-800-0320) revealed that the male snaps on the case separated in 5 of the 6 units tested as outlined by 16 CFR 1500.52(f). These separated components completely fit inside the cylinder described by 16 CFR 1501.4 and their failure to comply with these requirements presents a substantial risk of serious injury or death.

The firm again is requested to implement the corrective action as outlined in the letter of advice dated 10/23/89.

I look forward to your prompt response in an attempt to reach a resolution in this matter prior to this office referring this case file to our Headquarter's for litigation consideration.

Sincerely,

Robert E. Moro
Senior Compliance Officer

- Connecticut
- Delaware
- District of Columbia
- Florida
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- Vermont
- Virginia
- Virgin Islands
- West Virginia

cc: Beatrice Palmer
U.S. Customs Service
Hemisphere Plaza
Newark, NJ 07114

100

LOCKER GREENBERG & BRAININ, P.C.
ATTORNEYS AT LAW

AARON LOCKER
THEODORE M GREENBERG
DAVID N BRAININ
FREDERICK B. LOCKER
JEFFREY M. LOCKER

ONE PENN PLAZA, NEW YORK, N.Y. 10119
(212) 594-7000
TELECOPIER (212) 594-7356

November 22, 1989

Robert E. Moro
Compliance Officer
U.S. Consumer Product Safety Commission
Six World Trade Center
Third Floor
New York, NY 10048

Re: Sesame Street - Item #72600
Play 'n' Carry Cookie's Shop

Dear Mr. Moro:

We represent Tara Toy Corp.. We are responding to the letter sent by your office on November 9, 1989.

We disagree with the assumption that the above product in an item intended for children under three years of age. In fact, the Sesame Street Play 'n' Carry is specifically designed and intended for use by the older child (age 3 and up). In support of our position, we would like to point out the following factors:

1. The Sesame Street Play 'n' Carry requires intricate manual dexterity, to open and close the carry case and to the role play with the Sesame Street characters and the accompanying play accessories in the store. The play value of this item increases proportionately to the physical and mental development of the child and is associated with activities of the older child.

2. Although the Sesame Street characters themselves may appeal to the younger child, the purpose of the toy is to role play by placing the Sesame Street characters in the store to merchandise and sell cookies. The Play 'n' Carry is sized and marketed to and for the older child. In fact a younger child would find it cumbersome to carry the product as intended. The product marketing incorporates play accessories suitable for children 3 years and older which create activity play with the Sesame Street characters.

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LOCKER GREENBERG & BRAININ
ATTORNEYS AT LAW

Mr. Robert E. Moro
Page 2
November 22, 1989

The play function of the Play 'n' Carry is not adequately suited for children under the age of 3. Such children do not possess the requisite dexterity to open and close and carry the case let alone play with the accompanying accessories. The company has never received a complaint or report of injury associated with this product. The factors discussed above clearly indicate that the Sesame Street Play 'n' Carry is age graded in accordance with the commission's guidelines for relating children's ages to toy characteristics. Those guidelines state:

37 to 72 Months (3 to 6 years):

Between 3 and 6 years is the age period of peak interest in play scenes. Preschool children enjoy play scenes of all types - including more familiar garages and farms, and imaginary worlds such as space or military forts. In all play scenes, children prefer a wide variety of realistic accessories. Children can even manipulate very small accessories, of less than 1/2" in size. Children prefer scenes with working parts and can manage most kinds of mechanisms that are found in play scenes.

Children in this age group can use play materials that are somewhat more fragile because they are capable of using them in appropriate ways. By age five children can also create their own play scenes (stores, houses, forts, spaceships) out of blocks, cardboard boxes, etc., and use paints or crayons, to create added effects. Paradoxically, they can therefore use both more and less realistic equipment. They can deal with more parts and more fragile pieces, but they can also construct and pretend more effectively with simple materials.

Role playing materials appropriate for younger children are also useful for preschoolers, but they can use more, and more detailed equipment... More elaborate tea, cooking, pastry and dish washing sets are now enjoyed. Children very much enjoy costumes and preps for a variety of dramatic roles (cosmetic kits, doctor/nurse kits, toy camera, walkie talkie, helmets, toy guns, ...cash register, play money, and other materials for playing store) train, plane, etc. They like play stages such as a fold-away play store, but are also able to construct their own out of blocks or cartons. Guidelines for relating children's ages to toy characteristics contract NO. CPSC-85-1089.

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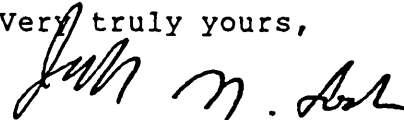
LOCKER GREENBERG & BRAININ
ATTORNEYS AT LAW

Mr. Robert E. Moro
Page 3
November 22, 1989

Without prejudice to our position that the product is not intended for children under three, our client will not sell or distribute these products pending resolution of this matter.

I look forward to your response.

Very truly yours,



Jeffrey M. Locker

JML:rw

cc: Bruce Pearl
Tara Toys Corp.

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 23 1989

Mr. Marvin Hellerman, President
Tara Toy Corp.
40 Adams Avenue
Hauppauge, NY 11788

Re: Case No. 900318

Dear Mr. Hellerman:

As a follow-up to a joint inspection performed on 10/10/89 with the U.S. Customs Service in Newark, N.J. samples of your firm's #72600 Carry Case items were collected for laboratory analysis. These items were part of a shipment imported by your firm under entry no. #K09-0102231-7. Item #72500 (L-800-0319) was found to meet the requirements.

However, our laboratory analysis of this sample(L-800-0320)revealed that components separated from all the units when subjected to the use and abuse tests as outlined in 16 CFR 1500.52. These components fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. These findings cause your firm's #72600 Carry Case items to be a banned hazardous substance as defined in Section 2(q) of the Federal Hazardous Substances Act (FHSA). Attached for your information are copies of the FHSA, its regulations and our laboratory findings.

We have requested the U.S. Customs Service seize the 1,800 pieces of the #72600 Carry Case items that were part of this import shipment because the failure to comply with these requirements presents a substantial risk of serious injury or death.

Your firm should immediately terminate the distribution of previous shipments of the #72600 Carry Case items and take corrective action regarding the products previously distributed. Those items present a serious choking, aspiration, or ingestion hazard because the components separate very easily from the toy and are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

- Connecticut
- Delaware
- District of Columbia
- Florida
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- Vermont
- Virginia
- Virgin Islands
- West Virginia

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In this case, we request that you:

- o Stop sale of the products.
- o Provide notification to distributors and retailers informing them of the problem, requesting them to stop sale, and recall.
- o Provide point of purchase posters to retail customers and request that they be displayed for not less than 120 days at the retail outlets where the toys were purchased.
- o Issue public notice in the form of a joint press release.

The Commission has the authority to require that you provide public notification that the product is banned, and repair, replace or provide a refund for the banned product, if the Commission finds, after affording interested persons an opportunity for a hearing, that such corrective action is in the public interest.

Continued sale after receipt in interstate commerce of banned or misbranded hazardous substances is prohibited by Section 4 of the Federal Hazardous Substances Act and punishable by the penalties described in Section 5 of the Act, which states that any person who violates any of the provisions of Section 4 shall be guilty of a misdemeanor. Conviction thereof will subject the responsible party to imprisonment for not more than ninety days, but for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, imprisonment for not more than a year. Further, under recent legislation applicable to the FHSa maximum criminal penalties are, \$5,000 for individuals and \$10,000 for organizations for first violations; \$100,000 for individuals and \$200,000 for organizations for second and subsequent offenses and for offenses committed with intent to defraud or mislead; and \$250,000 for individuals and \$500,000 for organizations for violations if a death results.


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If you disagree with the conclusion that these products are in violation of the Small Parts Regulations, you may submit your views on why these products are not in violation of the regulation or why it is not in the public interest to provide corrective action. The staff will give full consideration to any such information submitted before proceeding in this matter.

Our fact sheet on confidentiality is attached for your information.

Please advise us of your plans for disposition of the toys. If you wish to comment on our findings regarding these items, you may do so by submitting your comments in writing within ten days of your receipt of this letter. However, please be on notice that, Commission Staff Policy requires all compliance matters relating to reconditioning, destruction or export of the violative goods cited herewith to be resolved within 90 days from the date of this notice. Failure to resolve the matter within 90 days may result in immediate adverse action. Your response should address the measures you propose to take in bringing subject merchandise into compliance with the law, correction of violative toys in your possession already in domestic commerce, the expected timetable for correction of any future production of these, and your intentions regarding recall, repurchase, placement or repair of the toys already sold. You should review Section 14 of the Federal Hazardous Substances Act before preparing your plan. Please direct your written response and any questions to Robert E. Moro, Senior Compliance Officer (212) 264-1123.

Sincerely,


Richard D. Swackhamer
Director
Eastern Regional Center

Enclosures

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EF

FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOER	2. OPERATION (Check One) <input checked="" type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input type="checkbox"/> Investigation <input type="checkbox"/> Other _____	3. DATE 1/11/90
		4. NUMBER (For RO Use) N3309

5. ESTABLISHMENT
 Name Tara Toys
 Address 40 Adams Avenue
 City Hauppauge State NY Zip 11788 Telephone No. 516-273-8697

6. RELATED FIRM Parent Headquarters Subsidiary Other _____
 Name _____ City _____ State _____

7. PRODUCTS COVERED
#72600 Play N Carry Cookie Shop

8. OTHER CONSUMER PRODUCTS
Toys

9. ESTABLISHMENT TYPE
 Manufacturer Importer
 Wholesaler Own Label Distributor
 Retailer Repackager
 Other _____

10. ANNUAL PRODUCTION
 Product Covered \$ _____ Units _____
 Other Products \$ _____ Units _____

11. I.S. BUSINESS
 % Received _____
 % Shipped _____

12. SAMPLES COLLECTED
None

13. MIS CODE
33698

14. HOURS
 Activity 8
 Travel 2

15. REASON FOR ACTIVITY (Assignment Reference)
900318

16. ANNOUNCED Rationale for Announced Inspection
 UNANNOUNCED

17. EMPLOYEE'S NAME
Beverly J. Kohen

TITLE
Investigator

SIGNATURE


18. ENDORSEMENT REMARKS SUMMARY OTHER _____


This inspection was conducted as a follow-up to the firm's refusal to recall item #72600 Play N Carry Cookie Shop (L-800-0319) which was the subject of our LOA of 10/23/89.

The inspection revealed that the firm has stopped distribution of the subject item and is holding 2304 pieces pending destruction. The firm has not changed its position re recall.

FLU: Refer to FOER Compliance

19. REVIEWER'S NAME
Gilbert Bodin

TITLE
Supervisory Investigator

SIGNATURE
 **107**

20. REVIEW DATE
1/25/90

21. DISTRIBUTION
 Orig: EF
 cc: RD, CARM, Comp. Reading, GB, BK

Tara Toys
40 Adams Ave.
Hauppauge, N.Y. 11788
1/11/90 - BJK

SUMMARY OF FINDINGS:

This inspection was conducted under N#309 for FOER compliance. Its purpose was to follow up on sample L-800-0320 of #72600, Play N Carry Cookie Shop, which had been collected during operation Toyland.

The firm has 2304 pieces in stock which it plans to destroy under CPSC supervision. The firm will not agree to a consumer level recall, as it has not received any complaints about the item.

I examined the firm's entire line which consists of stuffed toys, Sesame Street figures, and carrying cases. I screened #13500, Wood-Mobiles, for small parts, but did not find any. I examined the poseable figures which are mostly molded; there are no small parts. Item #72500, Mini Play N' Carry, a similar case to #72600, had already passed CPSC testing, so I did not collect a sample. The firm imports ten percent of its line which consists of finished products. The remainder is purchased domestically in pieces, and assembled by the firm.

COMPLIANCE HISTORY:

The firm was last inspected in April 1987. This inspection resulted in the recall of #71000, Sesame Street Poseable Dolls.

STRUCTURE OF FIRM:

The private firm was incorporated in 1977, in New York State. It does approximately \$15 million in sales annually. Its officers are:

Bruce Pearl - President
Donald Pearlstein - Executive Vice President

The firm has a showroom at 200 Fifth Ave., New York, NY in addition to its corporate offices and warehouse located in Hauppauge, NY.

The firm imports finished products, and also sells domestically manufactured items.

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PERSON INTERVIEWED:

On January 11, 1990, I entered the firm and presented Bruce Pearl, President, with credentials and a Notice of Inspection. He supplied all of the information in this report.

COMPLAINT FILES:

The firm does not maintain a complaint file except for one which contains complaints it receives from the CPSC. Mr. Pearl stated the firm has never received any injury complaints on any item, including #72600.

We have a record of three complaints on the firm's products, one of which resulted in the recall of #71000, Sesame Street Poseable Dolls. The second complaint was on a block set which contained a small part and has been discontinued. The third complaint was on an item that contained a Fabric Small Part.

PRODUCT LIABILITY INSURANCE:

The firm's insurance carrier is General Accident, Melville, NY.

QUALITY CONTROL:

The imported items are tested in labs overseas, while the domestic products are tested in labs located in the United States. All items are tested for compliance with CPSC regulations.

PRODUCT LINE:

The firm imports ten percent of its line as finished products. The remainder are purchased domestically in parts which are then assembled in an assembly line fashion at the firm's warehouse. I observed the assembly line for, carrying case for cars. The inside of the case was placed inside, and then the case was packaged.

Most of the firm's business is in empty carrying cases for dolls, cars, figures, and baseball cards. It also sell Sesame Street Figures; it is licensed by Sesame Street. It has several stuffed toys available as well.

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The discontinued items are crossed off in the catalog (exhibit #1). I screened #13500, Wood-Mobiles, for small parts, but did not find any. The poseable figures are molded, and do not have any small parts that separate when they were screened. Item #72500, Mini Play N' Carry, had already been tested by CPSC, and passed. This is similar to #72600, the larger version of the case that failed when tested.

ITEM #72600:

The firm had this item tested for children over three which is why it was unaware of the small parts hazard. I showed Mr. Pearl our letter to the firm's attorney dated 12/4/89 which reinstated the Commission's position as to the item being for children under three. This was a response to the attorney's answer to our LOA. He was unaware of this letter, and phoned his attorney as soon as I left to request that the letter be answered. FOER received an answer, and responded back on 1/16/90.

Mr. Pearl showed me the 2304 pieces that the firm is holding in its warehouse. The firm has not distributed any pieces of the item since its receipt of the LOA.

The firm is not willing to recall the item from its distributors, however, it is willing to destroy its inventory.

The firm has sold this item for approximately one year. A list of consignees is shown in exhibit #2.

The firm has had the case redesigned to eliminate the small part. Mr. Pearl showed me a prototype of the new model which will also be given a new model number. The latch that was the small part on the original version, no longer exists. Exhibit #3 is a copy of the test result for this item. The firm has not begun importing it as of the time of this inspection.

PROMOTION:

The firm does not advertise. It has a catalog, a showroom in Manhattan, and employs sales representatives.

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DISCUSSION WITH MANAGEMENT:

Mr. Pearl was fully cooperative throughout the inspection. He maintained his position that a consumer level recall is unnecessary on item #72600, as there have been no complaints or injuries the firm is aware of. He does plan to destroy the 2304 pieces in stock, under CPSC supervision.

EXHIBITS:

- 1- Catalog
- 2- Customer list for #72600
- 3 - Test results for new model of #72600

(11)

Exhibit #2
Tara Toy Corp.
BJK 1/1/90

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8897
FAX (516) 273-8883

FOR QUALITY IN DESIGN AND CONSTRUCTION

SCHEDULE OF CUSTOMERS PURCHASING ITEM #72600 PLAY 'N CARRY

AAFES HEADQUARTERS	180 Pieces	PACIFIC TOY HOUSE	48 Pieces
AMERICAN INT'L. SUPPLY	12 Pieces	PROMISES FULFILLED	30 Pieces
BEN FRANKLIN	12 Pieces	PELHAM BAY TOY	12 Pieces
BLAIN SUPPLY, INC.	270 Pieces	RICKS BARGAINS UNLTD.	36 Pieces
BEN-LEE	36 Pieces	LAVERNE ENTERPRISES	66 Pieces
CENTURY MDSE CORP.	12 Pieces	BESAME PLACE	144 Pieces
CLOVER STORES	516 Pieces	SINGER & COMPANY	6 Pieces
CORONET WAREHOUSE	36 Pieces	SPEIGEL, INC.	96 Pieces
COTTER & COMPANY	24 Pieces	ST. PAUL BOOK & STA.	60 Pieces
DELUXE NOVELTY	12 Pieces	SMILING SUNNY'S TOY	12 Pieces
DUANE SALES INC.	24 Pieces	SCARSDALE CHILD PLAY	12 Pieces
EVERGREEN SUPPLY	24 Pieces	SOLOMON SALES	12 Pieces
FANARO BROTHERS	12 Pieces	TREASURE COVE	12 Pieces
FARRINGTON SQUARE	12 Pieces	TOY TOWN	6 Pieces
FLEET WHSL SUPPLY CO.	486 Pieces	TOY HAVEN	6 Pieces
HARDWARE HANK	6 Pieces	UNITED BABY STORES	48 Pieces
HIDEAWAY TOYS, INC.	24 Pieces	AMES GENERAL OFF.	1,800 Pieces
HOGAN'S VIDEO	12 Pieces	BADDOUR WHOLESALE	720 Pieces
J Z H TOYS, INC.	12 Pieces	BOSCOV'S	360 Pieces
JUVENILE SALES CO.	96 Pieces	FEDCO, INC.	216 Pieces
JOSHUA TREE TOYS, INC.	6 Pieces	HALF PRICE STORES	600 Pieces
JAYSON'S TOY CENTER	12 Pieces	KAY-BEE TOY & HOBBY	12,000 Pieces
K. B. C.	12 Pieces	LONG ISLAND CONSORT.	840 Pieces
KIDS & STUFF	6 Pieces	G. C. MURPHY	264 Pieces
KRAYNAKS, INC.	24 Pieces	PACIFIC BROKERAGE	168 Pieces
LA TOYS ETCETRA	24 Pieces	RICH'S	300 Pieces
M. H. LANSTON, INC.	156 Pieces	LASH TAMARON (TRU)	19,992 Pieces
LEITZINGERS DEPT. STORE	12 Pieces	TOYS 'R US INT'L.	792 Pieces
M. D. MYER COMPANY	696 Pieces	VENTURE	1,200 Pieces
MAC'S TOY WORLD	48 Pieces	F. W. WOOLWORTH	2,634 Pieces
MERCHANTS WEST, INC.	360 Pieces	ZAYRE CORP.	1,224 Pieces
MID-STATES DIST. CO.	18 Pieces		
MR. G'S FOR KIDS	48 Pieces		
MODECRAFT FASHIONS	828 Pieces		
MA-ST CORPORATION	84 Pieces		
NAVY RESALE & SERV. OFF.	24 Pieces		
NORKUS BROTHERS, INC.	12 Pieces		

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SOMA INTERNATIONAL LTD.

December 6, 1989
TECHNICAL REPORT 9H-6841-6844
Page Two

1) RESULTS:

A) AGE GRADE (ASTM F963-88, Section 5.6)

At the request of the client, the samples were evaluated for children 18 months and up.

B) USE AND ABUSE TESTS

1. Impact Test (FHSA, Section 1500.52(b))

The samples were dropped four times from a height of 3.0 feet onto the specified impact surface. No Small Objects, Sharp Edges, nor Sharp Points were revealed.

2. Torque Test (FHSA, Section 1500.53(e))

All graspable components of the samples were subjected to 4 inch-pounds of torque for ten seconds in a clockwise and counterclockwise direction. No Small Objects, Sharp Edges, nor Sharp Points were revealed.

3. Tension Test (FHSA, Section 1500.53(f))

All graspable components of the samples were subjected to 15 pounds of tension for ten seconds in a parallel and perpendicular direction using a calibrated tension gauge. No Small Objects, Sharp Edges, nor Sharp Points were revealed.

4. Compression Test (FHSA, Section 1500.53(g))

The samples were subjected to 30 pounds of compression for ten seconds on all areas that were inaccessible to flat surface contact during the Impact Test. No Small Objects, Sharp Edges, nor Sharp Points were revealed.

C) HINGE LINE CLEARANCE (ASTM F963-88, Section 4.15.2)

The hinge lines of the samples were evaluated for proper clearances. This requirement is intended to prevent potential pinching and laceration hazards associated with the changing clearances along a hinge line between a stationary portion and a movable portion of a toy that weighs more than 0.5 pound. This Section requires that the clearance between the stationary and movable portions shall be constructed so that if the clearances will admit a 3/16 inch diameter rod, it must also admit a 1/2 inch diameter rod at all positions of the hinge.

The samples MEET the requirement of this section.

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ACTS TESTING LABS (H.K.) LTD.

毅試檢定(香港)有限公司

2/F, 212 CHOI HUNG ROAD, SAN PO KONG, KOWLOON, HONG KONG. TEL. (3) 3518556 FAX (3) 3515575

Exhibit #3
Tara Toys
BJK 1/11/90

TECHNICAL REPORT 9H-8841-8844

December 6, 1989

SOMA INTERNATIONAL LTD.

6/F., Tower 1,
South Seas Centre,
75 Mody Road,
TST East,
Kowloon

Attn. : Ms. Betty Chan

SUBJECT:

Evaluation eight (2 x 4 styles) SESAME STREET LARGE PLAY N' CARRY SET TOYS received on November 24, 1989.

INTRODUCTION:

At the request of the client, the samples were evaluated for mechanical hazards for children 18 months and up according to the Federal Hazardous Substances Act, Title 16, Code of Federal Regulations, Part 1500.1f, and ASTM F963-86, "Standard Consumer Safety Specification on Toy Safety".

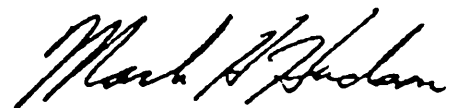
Sample Description : SESAME STREET LARGE PLAY N' CARRY SET - Little Theater
Cookie's Shop
School House
Day Camp

Vendor :
Model/Style/Lot No. : 72600
Origin : China

EXECUTIVE SUMMARY:

The samples MEET the mechanical hazards requirements of the Federal Hazardous Substances Act, Title 16, Code of Federal Regulations, Part 1500.1f, and ASTM F963-86, "Standard Consumer Safety Specification on Toy Safety", for children 18 months and up.

ACTS TESTING LABS (H.K.) LTD.



Mark H. Hudson
Managing Director

MHH/wy

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EF

U.S. GOVERNMENT
MEMORANDUM

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

Date: FEB 15 1990

TO : Division of Regulatory Management
FROM : Richard D. Swackhamer
Regional Director, FOER
SUBJECT: Litigation Proceeding Recommendation

Re: Tara Toy Corporation
Hauppauge, NY 11788
Case No. 900318

SUMMARY

Tara Toys Corporation, 40 Adams Avenue, Hauppauge, New York imported and distributed a product identified as Model 72600 Sesame Street Play N' Carry Cookies Shop Carry Case. The male snap on the case separates under the tension forces outlined by 16 CFR 1500.52(f) and are Small Parts as outlined by 16 CFR 1501. The case also has sharp points as outlined by 16 CFR 1500.48 in its original condition.

Tara Toy Corporation is incorporated in the State of New York since 1977. Bruce Pearl is identified as President of the firm.

CHRONOLOGY

10/10/89 - A sample of the Model 72600 Item (L-800-0320) is collected as part of Operation Toyland III Newark.

-continued-

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- 10/13/89 - ESEL Analysis of L-800-0320 shows the product has small parts and sharp points.
- 10/16/89 - CARM Assessment of L-800-0320 shows that the Model 72600 is intended for children under 3 years old. This assessment recommends seizure of the import shipment of 1,800 units and a consumer level recall of previously distributed units.
- 10/23/89 - FOER issues LOA to firm.
- 11/9/89 - U.S. Customs issues seizure notice to firm.
- 11/22/89 - J. Locker identifies himself as counsel for the firm. He contends that the product is not intended for children under 3 and refuses to recall.
- 12/4/89 - FOER issues letter to firm providing the CPSC age determination criteria.
- 1/11/90 - The firm is inspected and results showed that they sold a total of 48,684 pieces from June to September 1989. They have no intention of implementing a recall since they never received any complaints or reports of injury. It should be noted for the record that the firm's name does appear on the product, however, it fails to list an address, city, and state.
- 1/11/90 - J. Locker provides a response outlining the firm's desire to destroy its current inventory of approximately 2,300 pieces. The response outlines the firm's prospective corrections, however, does not address the recall issue.

-continued-

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- 1/16/90 - FOER issues the firm a letter requesting specifics on its destruction proposal and informing them that we are terminating our efforts to work out a recall program.
- 2/13/90 - Robert Moro telephoned Jeffrey Locker and informed him that we still had not received a response to the 1/16/90 letter. Jeffrey Locker stated that he will check with firm on destruction. He also stated that the firm will not recall.

RECOMMENDATION

FOER takes the position that Tara Toy Corporation has knowingly violated the Small Parts regulation outlined by 16 CFR 1501. The male snap on the case separated from the product at minimum tension forces and completely fit inside the small parts cylinder. The #72600 item is intended for children under 3 years old since it is a "Sesame Street" theme and the characters are simple to use and accompanied with a light weight carrying case.

Since the firm has absolutely no intention of implementing a recall program to retrieve the 48,684 pieces sold between June and September of 1989, FOER strongly recommends that the Commission pursue administrative litigation proceedings against Tara Toys Corporation in accordance with Section 15(d) of the FHSA.

Prepared By: Robert E. Moro
Robert E. Moro
Senior Compliance Officer

Date: 2/20/90

Approved By: Richard D. Swackhamer
Richard D. Swackhamer
Director
Eastern Regional Center

Date: 2-20-90

U.S. GOVERNMENT
MEMORANDUM

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

Date: SEP 10 1990

TO : The File
FROM : Eastern Regional Center
SUBJECT: "No Action Indicated" Classification
Case Delegation Authority.

A. FIRM

TARA Toys Corp.
40 Adams Avenue
Hauppauge, NY 11788

Case Tracking No. 900318

B. PRODUCT/VIOLATION

This case was generated as a result of OTL - Newark and the firm's #72600 item was found in violation of 16 CFR 1501.

C. CLASSIFICATION/JUSTIFICATION

This case is being classified as "No Action Indicated" because CAAL concluded that the case did not have the merits for litigation. This office monitored the destruction of the firm's inventory.

Prepared By: Robert E. Moro
Robert E. Moro
Senior Compliance Officer

Date: 9/7/90

Approved By: Richard D. Swackhamer
Richard D. Swackhamer
Director
Eastern Regional Center

Date: 9-10-90

FOER:REM:RDS:mp

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EP

FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOER	2. OPERATION (Check One) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input type="checkbox"/> Investigation <input checked="" type="checkbox"/> Other <u>Desstruction</u>	3. DATE 7/31/90
		4. NUMBER (For RO Use) N #645

5. ESTABLISHMENT
 Name Tara Toy Corp.
 Address 40 Adams Ave.
 City Hauppauge State NY Zip 11788 Telephone No. _____

6. RELATED FIRM Parent Headquarters Subsidiary Other _____
 Name _____ City _____ State _____

7. PRODUCTS COVERED <u>Carry Case #72600</u>	8. OTHER CONSUMER PRODUCTS
-------------------------------------------------	----------------------------

9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer <input checked="" type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other _____	10. ANNUAL PRODUCTION Product Covered \$ _____ Units _____ Other Products \$ _____ Units _____
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

11. I.S. BUSINESS % Received _____ % Shipped _____	12. SAMPLES COLLECTED None	13. MIS CODE 33698	14. HOURS Activity <u>6</u> Travel <u>3</u>
----------------------------------------------------------	-----------------------------------	---------------------------	---------------------------------------------------

15. REASON FOR ACTIVITY (Assignment Reference)
900318

16. ANNOUNCED Rationale for Announced Inspection
 UNANNOUNCED Arranged time for destruction

17. EMPLOYEE'S NAME Beverly J. Kohen	TITLE Investigator	SIGNATURE <i>Beverly J. Kohen</i>
-----------------------------------------	-----------------------	--------------------------------------

18. ENDORSEMENT REMARKS SUMMARY OTHER _____

This inspection was conducted to witness by compaction the destruction of 2532 pieces of item #72600, carry case to set.

Follow-up: Refer to FOER Compliance

vb

19. REVIEWER'S NAME Gilbert Bodin	TITLE Supv. Investigator	SIGNATURE <i>Gilbert Bodin</i>
--------------------------------------	-----------------------------	-----------------------------------

20. REVIEW DATE <u>8/29/90</u>	21. DISTRIBUTION O: EF cc: DD, Compliance, BK, GB, Reading
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Tara Toy Corp.
40 Adams Ave.
Hauppauge, NY. 11788
BJK 7/31/90

SUMMARY OF FINDINGS:

This inspection was conducted under N#645 for FOER Compliance. It's purpose was to witness the destruction of the firm's #72600, carry case toy set. Part of the handle broke off the case and was found to be a small part. The firm was holding 2532 pieces in it's warehouse, and agreed to destroy them.

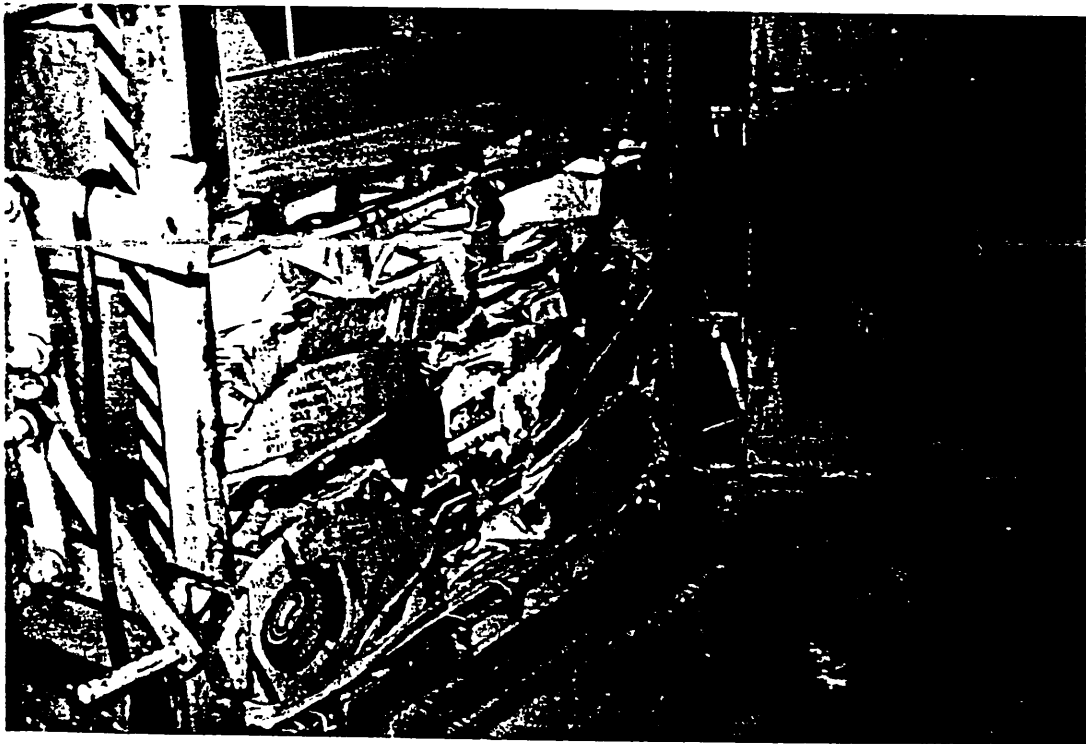
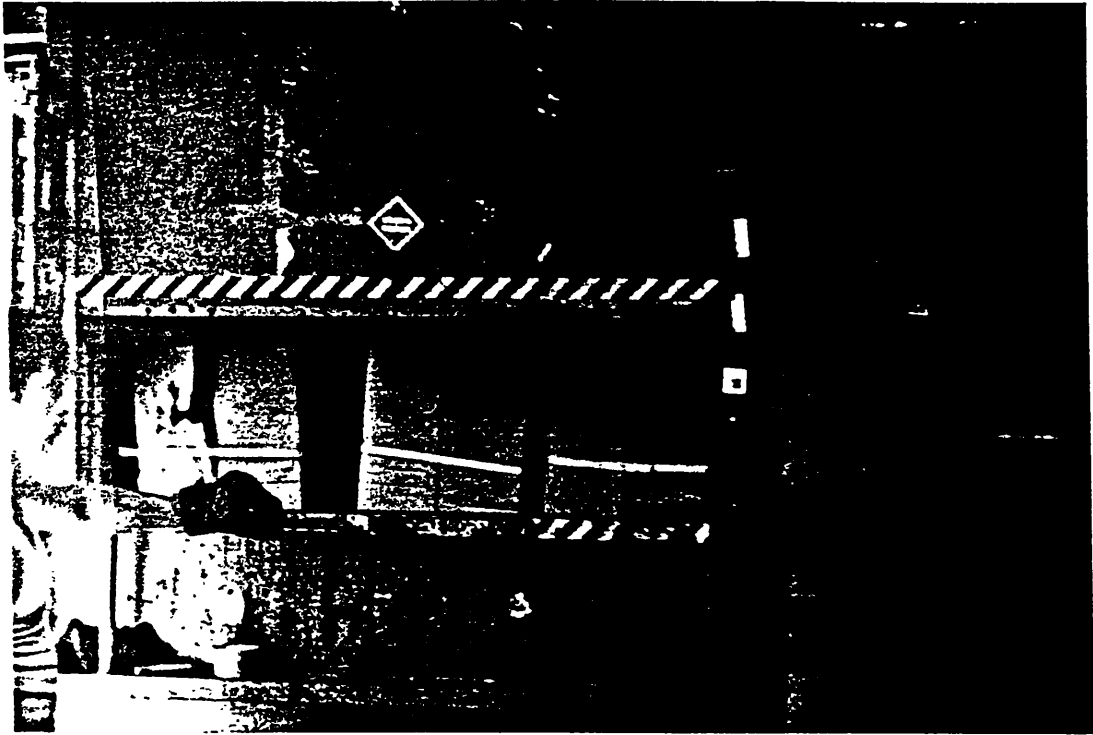
On July 31, 1990, I entered the firm and presented Bruce Pearl, President, with credentials and a Notice of Inspection. He showed me the stock of #72600, and I confirmed that there were approximately 2532 pieces. I remained to witness the destruction by compaction of the units. After being compacted, the crushed boxes were tied up and placed in a trash bin which is emptied periodically by a garbage company. Mr. Pearl signed an affidavit stating that the pieces were destroyed.

EXHIBITS:

1. Photographs
2. Affidavit

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Tara Toys
BJK 7/31/90
Attachment #1



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Tara Toys
BJR 7/31/90



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~~FOR OFFICIAL USE ONLY~~

EF

FIELD ACTIVITY COVERSHEET			
1. REGION/STATE FOER	2. OPERATION (Check One) <input checked="" type="checkbox"/> Inspection () Establishment Visit () Telephone Contact () Investigation () Other _____		3. DATE 11/4/91
4. NUMBER (For RO Use) E920017			
5. ESTABLISHMENT Name <u>Tara Toy Corporation</u> Address <u>40 Adams Avenue</u> City <u>Hauppauge,</u> State <u>NY</u> Zip <u>11788</u> Telephone No. <u>516-273-8697</u>			
6. RELATED FIRM () Parent () Headquarters () Subsidiary () Other _____ Name _____ City _____ State _____			
7. PRODUCTS COVERED <u>Item #75110</u>		8. OTHER CONSUMER PRODUCTS <u>Toys</u>	
9. ESTABLISHMENT TYPE () Manufacturer () Importer () Wholesaler () Own Label Distributor () Retailer () Repackager () Other _____		10. ANNUAL PRODUCTION Product Covered \$ _____ Units _____ Other Products \$ _____ Units _____	
11. I.S. BUSINESS % Received _____ % Shipped _____	12. SAMPLES COLLECTED None	13. MIS CODE 33698	14. HOURS Activity <u>6</u> Travel <u>2</u>
15. REASON FOR ACTIVITY (Assignment Reference) E920017			
16. ANNOUNCED () Rationale for Announced Inspection UNANNOUNCED (X)			
17. EMPLOYEE'S NAME Beverly J. Kohen	TITLE Investigator	SIGNATURE <i>Beverly J. Kohen</i>	
18. () ENDORSEMENT (/) REMARKS () SUMMARY () OTHER _____ This inspection was conducted as a follow-up to Operation Toyland Sample M-800-9306 which was imported by Stepher Dist., Brooklyn, New York but labeled as Tara Toy Corp.. The inspection revealed that in this instance Tara Toy acted as a representative in that they had the product manufactured for them under their label. To date shipments have gone to 10 different customers who in each instance acted as the importer of record. Tara Toy has not been the importer of record for this product since the item began to be distributed in August 1991. The firm indicated to our investigator that they are the responsible firm and any compliance activities involving products under their label should be directed to them. Follow-up: Refer to FOER Compliance.			
19. REVIEWER'S NAME Gilbert Bodin	TITLE Supv. Investigator	SIGNATURE <i>Gilbert Bodin</i>	
20. REVIEW DATE 11/14/91	21. DISTRIBUTION O:EF, DD, COMPLIANCE, CERM, GB, BK		

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Tara Toy Corporation
40 Adams Avenue
Hauppauge, New York 11788
11/4/91- BJK

SUMMARY OF FINDINGS:

This inspection was conducted under E920017 as a follow-up to Operation Toyland. Samples of item #75110, Push Power Sesame Street Toys were collected under M-800-9306/9307/9308. Each Sample Number was a different style under the same item number. All three samples failed. The importer was Shepherd Distribution and Sales Corporation, Brooklyn, New York, however, Tara Toy Corporation appeared on the toy's box. The purpose of this inspection was to determine Tara Toy Corp.'s role in this item.

The firm started distributing this toy in August, 1991. To date, all sales have been FOB Hong Kong, and the ten customers have been the importers of record. The firm has sold 44,376 pieces, and has no open orders.

The item includes three different toys which are sold to distributors as an assortment, however, consumers can purchase each style separately. The firm has not received any complaints regarding item #75110.

The firm had the item tested by a lab, and the item passed use and abuse tests.

No samples were collected because the firm has not directly imported this item to date. The firm is not expecting to receive any shipments in the near future but is willing to send some production samples to the CPSC for testing. The firm is the responsible party for this toy, and would handle a recall.

COMPLIANCE HISTORY:

The firm was inspected in April, 1987. That inspection resulted in the recall of the firm's #71000, Sesame Street Poseable Dolls. The firm was again inspected in January, 1990 as a follow-up to Sample #L-800-0320, #72600 Play N Carry Cookie Shop. The item failed small parts testing, and the firm destroyed its stock of the item. The item was re-designed to eliminate the small part.

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Page 2

STRUCTURE OF FIRM:

The private firm was incorporated in 1977, in New York State. It does approximately \$15, million in sales annually. Its officers are:

Bruce Pearl - President

Donald Pearlstein - Executive Vice President.

The firm has a showroom at 200 Fifth Avenue, New York, NY in addition to its corporate offices and warehouse located in Hauppauge, New York.

The firm imports finished products, sells domestically manufactured items, and acts as a sales agent for items manufactured overseas to its specifications, but imported by individual customers. The firm has a license to sell Sesame Street Toys.

PERSON INTERVIEWED:

On November 4, 1991, I entered the firm, and presented Michael Seller, controller, with credentials and a Notice of Inspection. He supplied all of the information in this report. There have been no changes since the inspection conducted on January 11, 1990.

ITEM #75110

This is a new item the firm distributes, and is not pictured in Exhibit #1, the firm's catalog. The firm sold the first pieces in August, 1991. The item will appear in the 1992 catalog which will be available in March, 1992.

While the firm is responsible for this item, it has not yet imported it directly. All sales of the item have been FOB Hong Kong. Each customer has been the importer of records and the firm has acted as a sales agent. This item is manufactured by Soma, International, Hong Kong, to the firm's specifications. No other firm in the United States distributes this toy.

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Model #75110 called "Push Power has three different toys. The first is Big Bird on a fire engine, the second is Cookie Monster on a truck, and the third is Ernie on an airplane. The three toys are sold as an assortment under the model number. Each carton is packed with all three shipping types in it. Consumers can purchase each style separately.

DISTRIBUTION:

From August 6, 1991 to September 12, 1991, the firm has sold 44,376 pieces. There are no open orders at this time. The firm's ten customers and the quantity purchased by each one is shown in Exhibit #2 and listed below. Included on this list is Shepher Distribution and Sales Corporation, the importer whom the original sample was collected from.

<u>NAME</u>	<u>DATE</u>	<u>QUANTITY PURCHASED</u>
1) Boscov's Reading, PA	9/4/91	900
2) Long Island Consortium Holbrook, NY	9/9/91	1,260
3) Marbal Drug Corp. Middleburg Heights, OH	8/8/91	720
4) Ocean State Jobbers Kingstown, R.I.	8/7/91	1,188
5) Roses Stores Henderson, NC	8/9/91	9,036
6) Shepher Distribution Brooklyn, NY	8/14/91	1,440
7) Super Dollar Discount	8/8/91	1,800
8) Thrift Drug Pittsburgh, PA	9/15/91	2,052
9) Lash Tamaron DBA/Toys R'US Paramus, N.J.	9/12/91	20,400
10) Woolworth Co. New York, NY	8/15/91	5,580

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QUALITY CONTROL:

The firm supplied a copy of the test report for this toy. It is dated July 31, 1991, and indicates that the toy passed testing under 1500.52 and 1500.53. This report is shown in Exhibit #3. No complaints have been made concerning this item.

No samples were collected since the firm has no stock of the toy. The firm is not expecting to receive any shipments as of now, and there are no open orders.

Many times each customer requests a separate test report for each production run and the firm will comply with these requests.

COMPLAINT FILES:

The firm does not maintain a complaint file except for one which contains complaints it receives from the CPSC. Mr. Sekke stated the firm has never received any injury complaints on any item, including #75110..

We have a record of three complaints on the firm's products, one of which resulted in the recall of #71000, Sesame Street Poseable Dolls. The second complaint was on a block set which contained a small part and has been discontinued. The third complaint was on an item that contained a Fabric Small Part.

PRODUCT LIABILITY INSURANCE:

The firm's insurance carrier is General Accident, Melville, New York.

PRODUCT LINE:

The firm imports ten percent of its line as finished products. The remainder are purchased domestically in parts which are then assembled in an assembly line fashion at the firm's warehouse.

Most of the firm's business is in empty carrying cases for dolls, cars, figures, and baseball cards. It also sell Sesame Street figures; it is licensed by Sesame Street. It has several stuffed toys available as well.

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RECALL:


Should there be a recall on the "Push Power" toy, the firm would be responsible for the recall. No other U.S. company distributes this item in the country, as the item is manufactured to the firm's specifications.

DISCUSSION WITH MANAGEMENT:

Mr. Seller stated that the firm could arrange to have some production run units brought in for sampling. I told him not to at this point. Mr. Seller knew nothing about the sample failure from Shepher Distributors but stated it was possible that Mr. Pearl, the President, who was out of the office may have been aware of the situation.

EXHIBITS:

1. Catalog
2. Customer List
3. Test Report.


Beverly J. Kohen/ds
Investigator
FOER

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FOR OFFICIAL USE ONLY

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

APR 23 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Carolyn Slovis
Locker Greenberg & Brainin
One Penn Plaza
New York, NY 10119

Re: Tara Toy Corporation
Cases 92G035 and 92G052
"Sesame Street Nursery Set"
Model #71700

- Connecticut
- Delaware
- District of Columbia
- Florida
- Illinois
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Virgin Islands
- West Virginia

Dear Carolyn:

Thank you for your letter of April 15 on the Sesame Street Nursery Set, Model 71700 with Big Bird, Stroller, Rocking Horse and bear cub (Case 92G052).

Your client's recall notification letter is satisfactory.

As we have discussed the recall notification letter issued on the Sesame Street Nursery Set, Model 71700 with Ernie Finger Puppet, Bath Tub, Duck and Swing (Case 92G035) was not satisfactory since it failed to address the necessity of a second level recall for consignees which may have distributed the product to retail level consignees of their own.

Attached is a suggested recall notification letter. It is requested that this letter be considered, with any changes you may request, for distribution to all consignees which received the prior notice.

Sincerely,

Steven Garitta
Steven Garitta
Compliance Officer

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IMPORTANT SAFETY NOTICE

**Re: Recall "Sesame Street Nursery Set"
Style No. 71700 which contains Ernie
finger puppet, bath tub, duck and swing**

Dear Distributor/Store Manager:

You were previously sent a letter of December 16, 1991 notifying you of our voluntary recall of the above identified product in cooperation with the U.S. Consumer Product Safety Commission.

That letter informed you that CPSC has determined that this product is appropriate for children under three years of age and that components on the bath tub may separate thereby exposing a part which may be small enough to present a potential choking hazard to young children under the age of three.

Our December 16th letter requested that you stop selling this product immediately if you had any of these in stock.

That letter also included a "Notice of Recall" poster to be displayed for at least 120 days.

Our December 16, 1991 letter may not have been clear in informing you that this recall is to include quantities which your firm may have distributed to other firms as well as quantities which you may have sold at retail level if you are a retailer.

The "Notice of Recall" poster is intended to notify consumers who may have purchased this product previously. It should be displayed for a minimum of 120 days if you are a retailer. However if you are a distributor you should issue this recall letter and copies of the posters to those firms to which you sold the recalled product.

Consumers should be refunded the retail price of the above product when returned to the store. We will refund the retail price to you as well as shipping costs whether you are reimbursing a consumer or a firm to which you sold the recalled product.

In the event that you have not posted the "Notice of Recall" posters included with our letter of December 16, 1991 or have not supplied them to those consignees to whom you sold the recalled product we have included additional copies with the present letter.

Please cooperate with us by prominently displaying the enclosed "Notice of Recall" posters for at least 120 days and by supplying the poster and copies of this letter to any firms to which you may have sold the recalled product if this was not done previously.

Thank you for your cooperation in this matter.

Very Truly Yours,

TARA TOY CORPORATION

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FOR OFFICIAL USE ONLY

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

JAN 3 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Bruce Pearl, President
Tara Toy Corporation
40 Adams Ave.
Hauppauge, New York 11788

Re: CPSC Case No. 92G052

"Sesame St. Nursery Set"
Model 71700 (with cookie monster)
Sample No. P-800-1012

"Sesame St. Nursery Set"
Model 71700 (with Big Bird)
Sample No. P-800-1013

Dear Mr. Pearl:

During an inspectional visit to Woolworth's located at 120 West 34th Street, New York, New York on December 17, 1991 a sample was collected of each of the above referenced products by Investigator Beverly Kohen of our staff.

Laboratory analysis of these samples revealed that components separated from several of the units tested when they were subjected to portions of the use and abuse tests as outlined in 16 CFR 1500 regulations under The Federal Hazardous Substance Act(FHSA).

Specifically, testing of sample P-800-1013 resulted in separated components when subjected to the tension test as outlined in 16 CFR 1500.52(f) and when subjected to the drop test as outlined in 16 CFR 1500.51(b), regulations under the FHSA.

- Connecticut
- Delaware
- District of Columbia
- Florida
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Virgin Islands
- West Virginia

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Testing of sample P-800-1012 resulted in separated components when subjected to the drop test as outlined in 16 CFR 1500.51(b), regulation under the FHSA.

In both samples these components fit entirely inside the small parts cylinder as described in 16 CFR 1501.4 (FHSA)

These findings cause your firm's "Sesame Street Nursery Set", Model 71700, both those styles collected under sample numbers P-800-1012 and P-800-1013 to be in violation of the small parts requirements under 16 CFR 1501.4, regulation of The Hazardous Substances Act.

These products are therefore determined to be banned hazardous substances as described in Section 2(q) of The Federal Hazardous Substances Act.

The distribution of a banned hazardous substance is a prohibited act as defined in Section 4 of The FHSA.

Enclosed for your information are copies of our laboratory findings, as well as a copy of The Federal Hazardous Substances Act (FHSA) and its regulations.

We request that you immediately cease distribution of the "Sesame St. Nursery Set", Model 71700, in the styles cited above, and take corrective action regarding the future production or importation. These items, as presently designed, present a choking, aspiration, or ingestion hazard because the components separate easily from the item and they are small parts.

In this case of the style of product represented by sample P-800 1013 (version with Big Bird) we also request that you provide notification to distributors and retailers informing them of the problem, requesting them to stop sale and return all existing stock.

The Commission has the authority to require that you provide public notification that these products are banned, and repair, replace or provide a refund for the banned products, if the Commission finds, after affording interested persons an opportunity for a hearing, that such corrective action is in the public interest.

The Consumer Product Safety Improvement Act of 1990, Public Law 101-608 104 Stat. 3110 amends, among other things, section 5 of the FHSA, 15 U.S.C. section 1264, to give the Commission civil penalty authority under this act. Under the amendments, the Commission can seek a civil penalty against firms who knowingly violate the prohibited acts section of the FHSA (section 4; 15 U.S.C. section 1263). The Commission may seek a penalty of up to \$5,000 for each violative product up to a maximum penalty of 1.25 million.

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Continued sale after receipt in interstate commerce of banned or misbranded hazardous substances is prohibited by Section 4 of the Federal Hazardous Substances Act and punishable by the penalties described in Section 5 of the Act, which states that any person who violates any of the provisions of Section 4 shall be guilty of a misdemeanor. Conviction, thereof, will subject the responsible party to imprisonment for not more than ninety days, but for offenses committed with intent to defraud or mislead, or for second and subsequent offenses, imprisonment for not more than a year.

Further, under recent legislation applicable to the FHSA maximum criminal penalties are, \$5,000 for individuals and \$10,000 for organizations for first violations; \$100,000 for individuals and \$200,000 for organizations for second and subsequent offenses and for offenses committed with intent to defraud or mislead; and \$250,000 for individuals and \$500,000 for organizations for violations if a death results.

If you disagree with the conclusion the the these product are in violation of the Small Parts Regulations, you may submit your views on why these products are not in violation of the regulations or why it is not in the public interest to provide corrective action. The staff will give full consideration to any such information submitted before proceeding in this matter.

Our fact sheet on confidentiality is attached for your information.

Please advise us of your plans for disposition of these items within three days of receipt of this letter.

Your response should address the measures you propose to take in bringing the subject merchandise into compliance with the law, correction of violative products in your possession already in domestic commerce, the expected timetable for correction of any future production of these, and your intentions regarding recall from consignees to which the "Sesame Street Nursery Set" (with Big Bird) were distributed.

Be on notice that if reexportation of the banned products is to be included in your firm's plan for disposition that The Consumer Product Safety Act requires written notification of your firm's intent to export under 16 CFR 1019, enclosed.

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