



Handwritten scribble

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

Certified Mail

NOV 20 1996

Eric Magnuson
President
C.X. Blaster, Inc.
13218 Jessica Drive
Spring Hill, FL 34609

MFR/PRVLR NOTIFIED *Jan 2/24/97*
 No Comments made
 Comments attached
 Excisions/Revisions
 Firm has not requested further notice

Re: CPSC CA950169
C.X. Blaster, Inc.
water balloon sling shot

Dear Magnuson:

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission has reviewed the actions proposed by C.X. Blaster, Inc. concerning its water balloon sling shots.

The firm accepted the CPSC staff's recommended text for labels to be affixed to your packaging and to the slingshot pouch. You agreed that the label on the pouches would contain the CPSC staff's recommended letter size and warning.

The Commission staff appreciates your cooperation in addressing the issue of serious injuries occurring with water balloon slingshots. The staff has accepted your firm's voluntary corrective action plan finalized in October 1996 as adequate. As a corrective action, the labeling on the slingshot pouches and on the product packaging is intended to prevent further eye, face or other serious injuries in the future. Should future evidence show that these actions are inadequate to address consumer perception of the hazard and that serious injuries continue, the Commission will revisit this issue with your firm. This summer the Commission has received three new reported injuries with water balloon slingshots: two eye injuries and a ruptured spleen. In these new cases investigated thus far, the products involved did not have the "new" warning and no manufacturer was identified.

The firm has a continuing obligation to inform the Commission of any and all defects associated with this product which could create a substantial product hazard and of information which reasonably supports the conclusion that a

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product creates an unreasonable risk of serious injury or death. If the firm receives any information affecting the scope, prevalence, or seriousness of the defect or hazard, you must immediately report that information to the Division of Corrective Actions pursuant to section 15(b) of the CPSA.

The Commission publishes a list of product recalls and other corrective actions initiated by firms in an Annual Report to Congress. This information is also occasionally used in lists for specific product categories. A summary of the firm's corrective action is enclosed. This letter gives the firm its opportunity under section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1), and 16 C.F.R. Part 1101, to comment on the accuracy of the information. Unless the firm notifies the staff by telephone or letter within twenty-three calendar days of your receipt of this certified letter if they are to be considered. If the firm believes that the information is not accurate, please send comments to Jean Kennedy.

Thank you for your cooperation in this matter. We hope that future dealings between the company and the Division of Corrective Actions, should they become necessary, will be conducted in the same spirit.

Sincerely,

Marc J. Schoem
Director
Division of Corrective Actions

Enclosure:
Annual Report Summary

cc: Consumer Product Safety Commission
Western Regional Center
600 Harrison Street, Room 245
San Francisco, CA 94107-1370

Judith Hayes, CECA

**Voluntary Corrective Action Plans Under
Section 15 of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act**

DATE	FIRM AND PRODUCT	ALLEGED HAZARD	REMEDY
11/96	C. X. Blaster, Inc. Springhill, FL 34609	loss of vision, iris injury	WARNING labels on packaging and sling pouches
	water balloon sling shots: Master Blaster, Blaster		

C.X. BLASTER CO., INC.

since 1985

6-8-96

Ms. Jean Kennedy / Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 613
Washington, D.C. 20207-0001

RE: Requested samples and statement.

Dear Ms. Kennedy:

Enclosed you will find the samples that you requested. Also, please let this letter serve as notification that all newly purchased packaging will have the required warning incorporated with the rest of the printing rather than the affixed label as seen on these samples.

Sincerely,

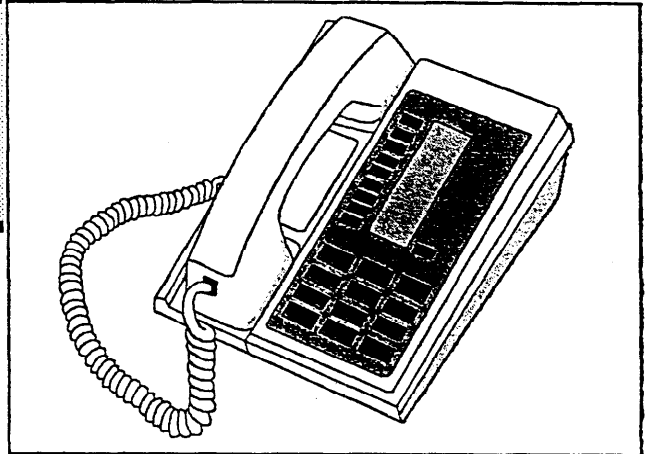


Sally Magnuson

C.X. BLASTER CO., INC. 13218 Jessica Drive, Spring Hill, FL 34609, 904-683-4862, Fax 904-683-6281

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**MEMORANDUM OF
TELEPHONE
CALL**



JEAN KENNEDY

DATE: 12-14-95

TIME: _____

NAME: Sally Magnuson

FIRM: OX Blaster

TELEPHONE: _____

SUBJECT: _____

DISCUSSION: Where are you w the CAP?

1. Perm. Labels

2. Instructions

2-22-96 left mess!

NEXT ACTIONS: Will send 2 new prod w labels and packaging end of week.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207-0001

OFFICE OF COMPLIANCE
Division of
Corrective Actions

Jean Kennedy
Compliance Officer
Tel: 301-504-0608 Ext. 136C
Fax: 301-504-0359

DATE: 9-12-95 NO. PAGES 1

TO: Eric and Sally Magnuson

OFFICE: C. X. Blaster

FAX #: 904-683-6281

MESSAGE: Call to discuss.

ask o party that probe - at correction? where?

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DOX IT



WARNING

Facial fractures and severe eye damage.
 Water balloons are shot at speeds up to 75 mph.
 Never shoot at people.
~~Never launch balloons at eyes or face~~
~~Always wear protective eye goggles.~~

*you just paid "penalty" to the
 at people" - this is not
 box it*

*forget it, kids are not
 going to run out & buy
 goggles at the beach.*

INSTRUCTIONS

NOTE: Use small round water balloons and fill them to the size of a tennis ball. If the balloons break as they are leaving the pouch, it is likely that you are holding the handles further than three feet apart or your balloons are too full. Always grab the vinyl grips and the tubing loop on the handle TOGETHER. DO NOT insert hand between the tubing and the vinyl grip.

*- This is what I
 automatically did
 without realizing
 direction - and
 will be a...
 with NO??*

THREE PERSON METHOD-SEE FRONT OF BAG: Two players stand three feet apart facing their target, each grasping one of the vinyl grips and tubing loop with their inside hand. A third player (launcher) will then load the water balloon into the pouch with one hand holding the nylon handle and the other hand cupping the balloon into the pouch. The launcher will then pull back, (no further than recommended on front of package) aim at the target and let fly.

ONE PERSON METHOD-SEE BACK OF BAG: When using the one person launch method, always extend your hands and arms as far away and directly in front of your body as possible. NEVER look into the pouch while the tubing is extended. PRACTICE without balloons until you feel certain the pouch and balloon will go freely away from you. Begin by looping the pouch strap under the tip of your right toe. Next load a small balloon into the pouch, grasp both handles, and take a step forward with your left foot. Then extend your arms straight out and away from your body. Without kicking or picking your foot up, release enough pressure on your right toe, pulling the pouch and balloon out and into the direction of your outstretched arms.

*... ALL CAPS!
 ... ALL CAPS!*

in front of you

C.X. BLASTER CO., INC. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR MISHANDLING, MISUSE, DAMAGE OR INJURY FROM NON-COMPLIANCE WITH INSTRUCTIONS. USER ASSUMES RESPONSIBILITY AND LIABILITY FOR THE USE OF THIS PRODUCT. MANUFACTURER WILL REPLACE OR REFUND ANY DEFECTIVE PRODUCT.

C.X. BLASTER CO., INC.
 SPRING HILL, FL

*Do you really want
 to encourage one person
 use? You have 1 lost
 vision when taking broke
 during one-person ball.
 We know of 2 other
 one-person use where
 permanent torn retinas
 occurred. 17*

C.X. Blaster Co., Inc. - 13218 Jessica Dr. - Spring Hill, FL 34609
(904) 683-4862 Fax: (904) 683-6281

9-8-95

Jean Kennedy
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 613
Washington, D.C. 20207-0001

RE: CPSC CA950169
C.X. Blaster, Inc.
water balloon sling shot

Dear Ms. Kennedy:

Please find enclosed samples per your request. Old packaging with warning label affixed to back of package. Also enclosed is a sample of the water balloon launcher with a warning label affixed to the vinyl grip, we would like to use this method of affixing the labels to the grips rather than sewing in a fabric label. We feel that the label will be more visible using this method. Please let us know if this is acceptable. Also enclosed are the new warnings and instructions (less art work and warning triangle) that we would like you to review so that we may proceed with an order for our next season.

Thank you for your patience and help in these matters.

Sincerely,



Eric Magnuson
President

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200 YARDS

DO NOT STRETCH TUBING MORE THAN EIGHT FEET

BLASTER WATER BALLOON LAUNCHER

**SURGICAL TUBING - HEAVY DUTY CANVAS POUCH - TEAR PROOF VINYL GRIPS
REUSABLE PACKAGE CONTAINS ONE LAUNCHER
BIODEGRADABLE BALLOONS NOT INCLUDED**

150 YARDS

DO NOT STRETCH TUBING MORE THAN SEVEN FEET

BLASTER WATER BALLOON LAUNCHER

**SURGICAL TUBING - HEAVY DUTY CANVAS POUCH - TEAR PROOF VINYL GRIPS
REUSABLE PACKAGE CONTAINS ONE LAUNCHER
BIODEGRADABLE BALLOONS NOT INCLUDED**

120 YARDS

DO NOT STRETCH TUBING MORE THAN SIX FEET

BLASTER WATER BALLOON LAUNCHER

**SURGICAL TUBING - HEAVY DUTY CANVAS POUCH - TEAR PROOF VINYL GRIPS
REUSABLE PACKAGE CONTAINS ONE LAUNCHER
BIODEGRADABLE BALLOONS NOT INCLUDED**

//

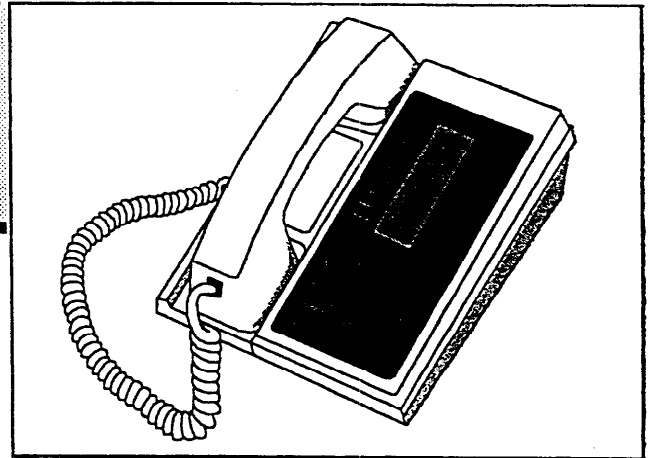
90 YARDS

DO NOT STRETCH TUBING MORE THAN THREE FEET

BLASTER WATER BALLOON LAUNCHER

**SURGICAL TUBING - HEAVY DUTY CANVAS POUCH - TEAR PROOF VINYL GRIPS
REUSABLE PACKAGE CONTAINS ONE LAUNCHER
BIODEGRADABLE BALLOONS NOT INCLUDED**

**MEMORANDUM OF
TELEPHONE
CALL**



DATE: 9/8/95
TIME: _____

NAME AND TITLE: Sally Magnus
FIRM: CX Blast
TELEPHONE: _____
SUBJECT: _____
COMPLIANCE CONTACT: JEAN KENNEDY

DISCUSSION:

(regarding) Marksman Walmart/Kmart

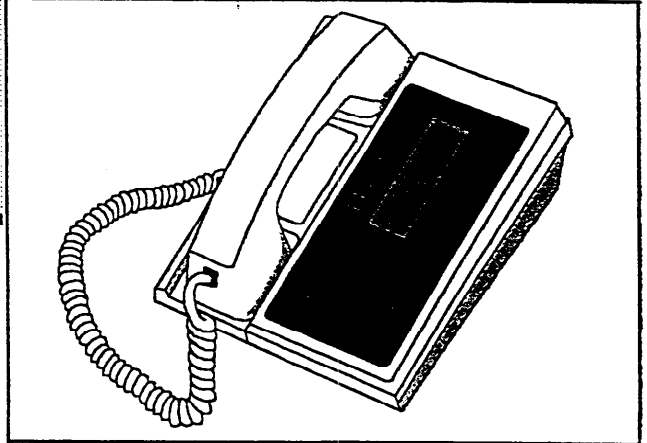
*Warning Label: Bold orange:
"Eye irritant. Don't shoot at people"*

Warning in black 1-2 X 2" Orange Warning Symbol

NEXT ACTION:

*Fed Ex: Samples, incl launcher w WARNING
on handle - like Marksman.*

MEMORANDUM OF
TELEPHONE
CALL



DATE: 9/1/95
TIME: 6:00pm

NAME AND TITLE: Eric Magnuson
FIRM: C.X. Blaster Co., Inc.
TELEPHONE: Fax: 904-683-6281
SUBJECT: Warning label for Taunchers
COMPLIANCE CONTACT: JEAN KENNEDY

DISCUSSION: The warning label you faxed to me on 8/29/95 has the correct text, the correct letter size and the danger signal.

In discussion with Sally Magnuson, the agreed-upon size for the label on the pouch was 3 1/2 inches. The fabric was to be white, and have black lettering; but the word WARNING was to be orange. If the finished size and the colors are as stated, then your label meets our approval.

Please provide products with the warning labels on the packaging and pouch as soon as they are ready for distribution. Sally indicated that would be @3 weeks, or before.

Thank you for your cooperation.
Jean Kennedy, Compliance Officer
Division of Corrective Actions

9/11/95 - Telecom: Assured me that he had no incidents of connector in surgical tubing (near yellow handle) coming apart to cause injury. 14

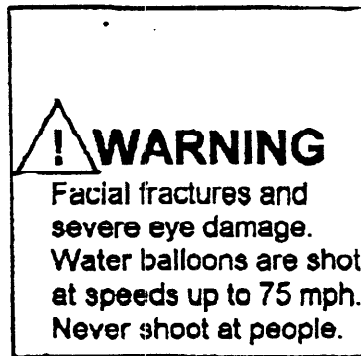
C.X. Blaster Co., Inc. - 13218 Jessica Dr. - Spring Hill, FL 34609
904-683-4862 - FAX: 904-683-6281

Fax to: Ms. Jean Kennedy / Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 613
Washington, D.C. 20207-0001
Fax #: 301-504-0359

Number of pages including this cover sheet:

Person sending fax: Eric Magnuson

Message: Dear Ms. Kennedy: Please give this fabric labeling for our water balloon launchers your final approval. Thank you.



P.S. The packaging labels are now finished and we will be affixing them to all launchers.

① *

WARNING

Facial fractures and severe eye damage.
Water balloons are shot at speeds up to 75 mph.
Never shoot at people.

C.X. Blaster, Inc.
13218 Jessica Dr.
Spring Hill, FL 34609
attn: Jean Kennerdy

ATTENTION!
PROOF READ copy CAREFULLY. We
are NOT RESPONSIBLE for errors or
omissions after job has been printed.

Approved

Date

- shaded area to be bright orange
- black ink on white background.

* This label will be stuck on packaging as a stick-on label in 3-4 days

② Fabric Label: on Pouch - 2 week to get fabric
Label to be made by
3 1/2 " black ink on white fabric

Action: will send letter giving estimates of time
for each label to be on products

Walmart is new customer & wants labels by Fall
orders.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207-0001

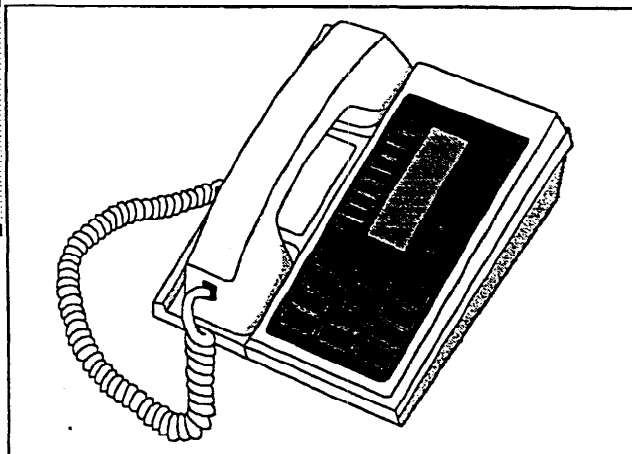
OFFICE OF COMPLIANCE
Division of
Corrective Actions

Jean Kennedy
Compliance Officer
Tel: 301-504-0608 Ext. 136C
Fax: 301-504-0359

DATE: 7-31-95 NO. PAGES _____
TO: Sally Magnuson
OFFICE: _____
FAX #: 904-683-6281

MESSAGE: Please submit your plan
in writing - when all labels'
formats, sizes, materials and
estimated dates of implementation
have been decided. Supply
this office with samples of
each type label.

MEMORANDUM OF
TELEPHONE
CALL



JEAN KENNEDY

DATE: 7-31-95

TIME: _____

NAME: Sally Magnuson
FIRM: CK Blaster
TELEPHONE: _____
SUBJECT: _____

DISCUSSION: Labels

1. On plastic pockets: speed, type injury, one person
New instr. this fall: Will let us review.
2. On paper: HUMAN!
3. on prod: yes will do it in 2-3 wks
- 4

NEXT ACTIONS: 1. Will send new packaging instruction for new batch to be printed this fall.
2. Will send me fabric label $3\frac{1}{2}'' \times 1\frac{1}{4}''$
white fabric w orange print?

Text: $\frac{1}{4}''$ WARNING / $\frac{1}{8}''$ caps $\frac{3}{16}''$ lowercase \mathcal{P}

C.X. Blaster Co., Inc. 13218 Jessica Dr. - Spring Hill, FL 34609
(904) 683-4862

July 28, 1995

Jean Kennedy
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 613
Washington, D.C. 20207-0001

RE: CPSC CA950169
C.X. Blaster, Inc.
water balloon sling shot

Dear Ms. Kennedy:

In response to your letter of July 19, 1995 we have been in contact with label manufacturers and are ready to comply with your request. Will you please supply me with the following information: What size label is required for both product and package. The reason that I ask this is we just went through the required labeling for the balloons that we sell and I want to be sure that these new labels are within compliance. Upon receipt of this information I will proceed with ordering and affixing them.

Thank you for your help.

Sincerely,



Eric Magnuson
President

RECEIVED

JUL 31 A.M.

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

OFFICE OF COMPLIANCE

Division of
Corrective Actions
Tel: 301-504-0608
Fax: 301-504-0359

JUL 19 1995

Certified Mail

Eric Magnuson
President
C.X. Blaster, Inc.
13218 Jessica Drive
Spring Hill, FL 43609

Re: CPSC CA950169
C.X. Blaster, Inc.
water balloon sling shot

Dear Mr. Magnuson:

This is a follow-up letter to you regarding the Division of Corrective Actions investigation of serious injuries associated with water balloon sling shots. C.X. Blaster, Inc. is one of three manufacturers who since 1985 have sold these types of products, designed with tubing and pouches to launch water-filled balloons.

At present the Commission is aware of 24 injuries from water balloon sling shots. Those incidents that were investigated showed serious injuries: 17 eye injuries that included fractured facial bones, tearing of the retina or iris or permanent loss of vision; a cardiac arrest of a 9 year old; and paralysis of a 13 year old hit in the neck/spine area. There is no reason to believe that these types of injuries will not continue, unless some action is taken to address the serious hazard that exists during the use of these sling shots.

C.X. Blaster sling shots have been involved in three known injuries that included torn iris, loss of vision and loss of an eye (to Brian Watts, Chad Knickerbocker, and Tad Samulski). If additional incidents or injuries have occurred, we request that

you immediately provide any claims or suits that you have now, and that you also provide reports of incidents or injuries that did not result in claims or suits.

The Division of Corrective Actions has the responsibility to determine preliminarily whether a defect is present in a product and, if so, whether that defect rises to the level of a substantial Product hazard as defined by section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. §2064(a). Enclosed for your information are the Consumer Product Safety Act and the Commission's regulation entitled, "Substantial Product Hazard Reports," 16 C.F.R. Part 1115. These documents explain the Commission's authority and policy with regard to products which may present substantial product hazards and also explain the firm's rights and obligations under the Act to furnish information to the U.S. Consumer Product Safety Commission.

While no defect exists with these sling shots, the staff has determined, based on the reported incidents, that they present a risk of injury that is serious and a risk that is largely unknown to the using public. Users who shoot at bystanders and the bystanders themselves do not perceive that a water-filled balloon can seriously injure them. Moreover, they do not suspect that a soft balloon could fracture bones or tear an eyeball. And finally, they are unaware that the launch speeds can be up to or over 75mph, the speeds attained in our engineering testing.

Therefore, the staff requests that the manufacturers of these products take action to prevent further serious injuries by placing a warning label on the product and repeating it on the packaging. The label is as follows:

! WARNING

Facial fractures and severe eye damage

Water balloons are shot at speeds up to 75mph.

Never shoot at people.

Orange, the established color of caution, is recommended for the label text. The letter size on the label should be large enough to get the user's attention and to be read from a user's expected distance from the product.

Information Disclosure

The Commission often receives requests for information provided by firms under section 15(b) of the CPSA. Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of such information unless a remedial action plan has been accepted in writing, a complaint has been issued or a firm consents to such release. (See section 6(b) of the CPSA, as amended (enclosed)).

In addition to the above, if the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3) and 16 C.F.R. § 1015.18. The Commission is prohibited from disclosing to the public information that is in fact trade secret or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Continuing Obligation

Please note that the firm has a continuing obligation to supplement or correct its "Full Report" as new or different information becomes known. For instance, if after filing the "Full Report," the firm receives or learns of information concerning other incidents or injuries, or information that affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately.

The Division of Corrective Actions requests that the firm provide a response within ten (10) working days of your receipt of this letter. Please reference the CPSC file number in your response. If you seek assistance or if you have any questions, you may contact Jean Kennedy, Division of Corrective Actions, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001, telephone: (301) 504-0608 extension 1360.

Sincerely yours,



Marc J. Schoem
Director
Division of Corrective Actions

Enclosures:

Compilation of CPSC Statutes
Substantial Hazard Regulations
FOIA Regulations
Information Disclosure Sheet
Recall Handbook

cc: Consumer Product Safety Commission
Eastern Regional Center
6 World Trade Center
Vesey Street, 3rd Floor
New York, New York 10048

FIELD ACTIVITY COVERSHEET

CECA

1. REGION/STATE FOER / FL	2. OPERATION (Check One) <input checked="" type="checkbox"/> Inspection () Establishment Visit () Telephone Contact () Investigation () Other	3. DATE 6/6/95 4. NUMBER (For RO Use) 950607ERC0621
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5. ESTABLISHMENT
 Name : C.X. Blaster Co. Inc.
 Address: 13218 Jessica Drive
 City : Spring Hill, State: FL Zip: 34609 Telephone: (904) 683-6281

6. RELATED FIRM () Parent () Headquarters () Subsidiary () Other _____
 Name: [] City: [] State: []
 none

7. PRODUCTS COVERED
 Water Balloon Slingshots

8. OTHER CONSUMER PRODUCTS
 none

9. ESTABLISHMENT TYPE
 Manufacturer () Importer
 () Wholesaler () Own Label Distributor
 () Retailer () Repackager
 () Other:

10. ANNUAL PRODUCTION
 Product Covered \$100,000 Units: 0,000
 Other Products \$ none Units:

11. I.S. BUSINESS
 % Received 50

12. SAMPLES COLLECTED
 T-800-3242-6 Water slingshots

13. MIS CODE
 32626


14. HOURS
 Activity 10
 Travel 4

15. REASON FOR ACTIVITY (Assignment Reference) 950607ERC0621 Label review

16. ANNOUNCED () Rationale for Announced Inspection
UNANNOUNCED

17. EMPLOYEE'S NAME
 Edward J. Morganto

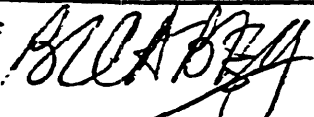
TITLE
 Investigator

SIGNATURE


18. () ENDORSEMENT () REMARKS (x) SUMMARY () OTHER []
 Inspection of this firm disclosed that they were aware of three (3) injury complaints referring to eye injuries. The firm continues to operate out of a private residence. The slingshot products are assembled and shipped from their residence direct to wholesalers and mail order customers. Since the first 08/31/89 inspection, the firm has been issued a patent for the two sizes of water balloon slingshots.

19. REVIEWER'S NAME
 Bernard L. Cabey

TITLE
 Supervisory Investigator

SIGNATURE


20. REVIEW DATE
 6/15/95

21. DISTRIBUTION O: EF
 CC: RD/READ, COMP, CECA, ORL-RP

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