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Norvan Allen 505-
766-2108

Get injury data

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12/14/94 Robert Jacobs, Mgr Riva replied will respond after the holidays

1/5/95 Telecon Norvan Allen w Brock Landry, Esq for Riva. Asked for response by mid-January and 2 samples

Facts

1. 6 Firms: Riva Sport (12), CX Blaster (5), Sling Rig (1), Original Ringer (1), Northern Hydraulics (1), Wringer (1)

2. 26 inc
eye inj
1 cardiac arrest
88 — 94
Ages 9 — 39
at least 2 loss of vision

3. Surg tubing - need 3 people to launch
ES 80 - 100 MPH (1984)
- 100 yds distances

4. HF - CONS Perception?
- Can it be changed for safe use?
5. CAP - can prod be changed for stop inj?
- OR ???

6 Options: BAN -
LABEL
REDESIGN

7. DEFECT? USE IS TO HIT PEOPLE!

Overview

3-30-95 [illegible]

(15 - correct label)

Riva - Aqua Sling

1. SPH - (determined by FUHR 12/1/94 Baxter to [illegible]) Latent hazard not perceived as serious hazard by users.

2. Data - 24 injuries: 17 eye, 1 cardiac, 1 neck paralysis
[5 [illegible] not incl.]
5 "injured"
(19) hit by balloon / (4) rebounding (1) tubing broke

1987-1994 (7y) = 2-3 py hit by launched balloon

(a) Most serious were: blind in one eye, & cardiac arrest;
(b) All were at close range: 20y 50y

[all rebound lost eye 1 tubing br.]

3. Products: 5 firms = 24 injuries.
Riva made 400,000

4. Hazard: (1) Self → 1 man operation 3 of 5 (others [illegible] unclear)

(2) Hit by balloon [13 eye inj, 1 card, 1 neck] (4 "inj")

5. To Prevent Hazard: Ban - Redesign - Explicit, strong label?

(6) Risk of injury: SMall
400,000 150 balloons bag $2.50 mostly misuse
inaccurate / not intentional

1-19-95 Received file. Briefed Comm. Time Frame per Marc S. mid February

Disc w Gidding: we need HF - use at people by teens/20s = risk of injur majority

1-19-95 Called Now Allen & MT IDE done?

1-19-95 PSA to HF to assess user behavior + labeling.

1-19-95 Called Brock Landry for samples.

1-20-95 B Landry - voice mail pkg will receive sample + spend today or next week as soon as they come.

1-30-95 1-202-639-6066 FU reg for Report still not received

2-1-95 Telecon: Brock Landry - will object to banning product. Want to discuss labels/warnings. Is sending report today + 2 samples of ASK 200 model.

2/23/95 After cons w Mike Gidding sent B Landry 5 IDEs

2/24/95 PSA - Test launch velocities due 3/3

lost-

Chronology (1) Baxter ltr SPH to Jacobs Dec 1
"latent hazard - not appreciated by users -
eye loss vision - 200 ft p sec - 100 yd range"

(2) Landry sent 2 samples Jan 23

(3) Riva sent report Feb 1 400,000 in 7 y
Suits: 5 rocks, 1 potato, 2 balloon - unk circumstance

(4) PSA to test velocity - lost -

(5) HF assessment of likely use & labels.
in product (1) Likely to be misused (2) ~~Unlikely~~ to be perceived as dangerous.
WARNING: Follow Directions - unclear - some don't make sense
21 & over NOT / adult supervision NOT
Do Not Shoot at People - doesn't square w fun (target - no thrill)
Injury Can Result - not clear HOW
Use Aqua Sling Balloon & Target - for a while, Why?
An Adult Game - Not For Children - what are children?
14, 16, 18, 21 ?

SPH: Defect = latent hazard - How to address: Other projectile
Ban or Explicit, Strong Label or Redesign?

Injuries = 24 injuries by water balloon in 7 yrs > (2-3 per year from balloon) Shot by teens to adults
> 4 hit from rebounding balloon, 1 fitting tubing, 19 hit by Balloon
10 in 1994 [15 Riva, 2 Ringer, 2 Blaster, 1 Sling King, 1 Hyper
(3 pelf, 3 bal, 3 ing) 3 Unk

Close is most serious Blindness, 20% broke eye ball tubing, cardiac soy
Risk of inj: small - 100 balloons p bag for 3.50 = mostly misses - But impact velocity imp.
To measure: hm installi NO / man
18

Diff hazard to address - because of expected uses & behavior

WATER BALLOON SLINGSHOT FIRMS

3 Firms in business: @500,000 1987-1995 (21) INJURIES (plus 3 suit firms) = (24)

1. RIVA SPORTS
   P.O.Box 600404
   San Diego, CA 92160
   400,000
   2 models
   1987-present
   15injuries EI

2. SLINGKING, Inc.
   16810 Barker Springs
   Houston, TX 77084
   25,000(94) (100,000)
   4 models
   1988-present
   0 injuries EI
   1 inj CPSC G3 B0119A1

3. WINGER SPORTS (out of business)
   1306 West Country Rd
   Arden Hills, MN 55112
   ?-4/1991
   2 injuries Gone (cardiac arr)

4. C.X. BLASTER
   13218 Jessica Drive
   Springhill, FL
   10,000py (100,000)
   4 models
   1985-present
   3 injuries EI (lost eye)

"Present label: Use responsibly. Use discretion. Wear protective eye goggles. Never launch at eye level."

5. Rite Aid - (assigned IDI to determine brand H9550313A) cannot determine

New ones coming into business.

A WARNING:
Facial fractures and severe eye damage.
Water balloons are shot at speeds of 75 mph.
Never shoot at people.

done Kpk 12/14/94

TO : Corrective Actions Division PRIORITY ___

FROM : WESTERN REGIONAL OFFICE

SUBJECT : Section 15 Investigation Status

FILE NUMBER: **FW95-004** DT OPENED: 11/30/94 DT CLOSED:

CACA CONTACT: Catherine E. Kelsey RO: FOWR -

COMPANY NAME: **Riva Sports**
STREET:

CITY: **San Diego** STATE:CA ZIP: 92160

COMPANY CONTACT: **Robert Jacobs** PHONE:**619 287-3511**

TYPE: MFG DIST XXX RETAIL PVT LBLD IMPORTER

NEISS PROD CODE: **1352**
PROD DESCRIP: **Water Balloon Sling Shot 3 person**
MODEL:
BRAND: **Aqua Sling**
POTENTIAL HAZARD: **Eye and Facial Injuries**
COMMENTS: Other reported injuries, previous history

==========

IDI NUMBER(S): **940812CCN2165**
SAMPLE NUMBER(S):
Location Box

==========

REGIONAL OFFICE PLANS FOR FOLLOW-UP INVESTIGATION Timetable

ESTABLISHMENT INSPECTION.DATE
OTHER INVESTIGATION.DATE
Other IDI's (list below).DATE
SAMPLE ANALYSIS.....DATE
OTHER (Describe below)

Regional Office Summary and Recommedation will be submitted (date)

==========

ASSISTANCE NEEDED FROM CACA/COMMENTS:

(Use Continuation Sheet if needed

==========

Distribution:
Orig: CEKelsey, CECA
cc: LDBaxter LSBlend, LHPain,
JSwisher, RBurrows
Estab. File

184

CLOSE OUT SHEET

FILE NUMBER: FW950004

DATE CLOSED (YYMMDD) : 96/07/96

TOTAL UNITS INVOLVED: 400,000 (1988-95)

TOTAL UNITS CORRECTED: 0

REMARKS: Firm agreed to put labels on pouches and packaging, Label was devised by our HF and included "eye Injuries," speed of 75mph, don't shoot at people.

CAP IMPLEMENTED: YES X NO

WHERE THIS FILE IS STORED:

LOCATION: CA00000

ACCESSION#:

BOX#:

_____ INCIDENT DATE SENT TO EPI

_____ IDENTIFY/MARK PAGES THAT HAVE INCIDENT

_____ NO INCIDENT DATA FOR EPI IN THIS FILE

1989

POTENTIAL DANGER: Injury to eyes and face

PRODUCT: Flyaway Copter Base Watch #01020

MANUFACTURER: Tri-King

Facial and eye injury are what a child can expect from this wrist-mounted helicopter. It has no directional controls and could easily fly into a child's face when launched.

POTENTIAL DANGER: Bodily injury/possible death

PRODUCT: Water Balloon Sling Shots

MANUFACTURER: Aqua Sling
P.O. Box 20404
San Diego, CA 92120

(Other manufacturers also make similar products)

Water balloon slingshots are an <u>extremely dangerous</u> and <u>potentially lethal</u> product that has come onto the market place in the last two years. This item comes from David Snow, the person responsible for the banning of Lawn Darts.

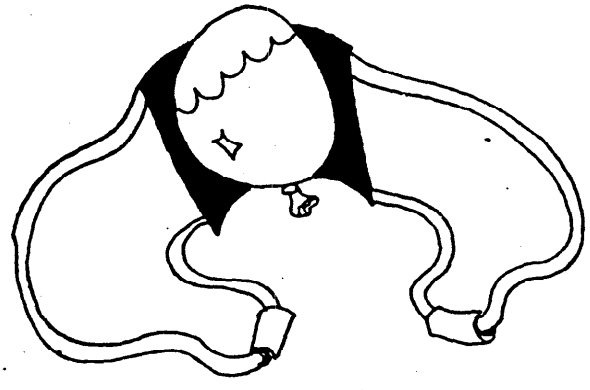
These huge sling shots are made from 1/2 inch surgical rubber tubing, require three persons to operate, and launch water balloons at speeds of 230 MPH or 340 feet per second. At such speeds, water balloons assume the same physical properties as a rock. Hundreds, perhaps thousands, of persons have been severely injured after being struck by water balloons fired by these slingshots.

The sling shots are marketed under the names of "Aqua Sling," "The Blaster," and "The Winger," for example. Slingshot-

launched balloon naval combat has become the latest rage among boaters throughout the nation. These slingshots also have become a popular play activity at colleges, beaches and parks.

The Michelle Snow Foundation was recently contacted by parents whose children have been severely injured or almost killed after being struck by water balloons fired by these slingshots. A 10-year-old boy went into cardiac arrest after being hit in the chest by a balloon. He was revived by CPR, but now has serious heart damage. In another incident, a 9-year old was struck in the face by a water balloon fired by a passing boat at an Arizona resort. He was knocked unconscious, suffered three severe facial fractures, ocular injury and multiple lacerations and contusions.

The CPSC has been given product samples, injury information, and identification of manufacturers. Water balloon slingshots present a substantial and unreasonable risk of serious injury and possibly death.



CASE NO. 881007WES4003
EXHIBIT #12

RETAIL STORE ADVERTISEMENT - AQUAL SLING AND AQUA SLING BALLONS.
EXHIBIT SUBMITTED BY THE VICTIM"S FATHER.

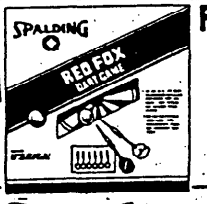
Open To The Public

ALL AMERICAN SportsClub
SPORTS EQUIPMENT / APPAREL

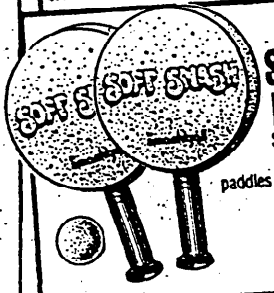
BEACH PADDLE SET
2 wooden paddles, 1 durable paddleball, fishnet tote bag. (295899)
5.69

SPALDING REPLACEMENT BALLS 3/Pk. (295907) 1.92

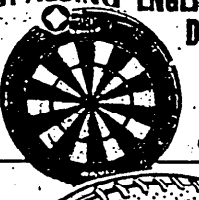
FAMILY SOFT TOUCH DART GAME SET
9.40
Nylon tip darts, board & authentic scoring. (149377)



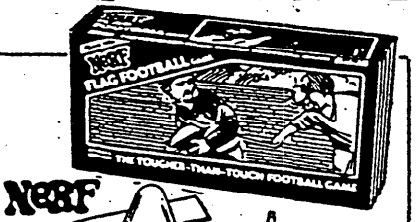
RED FOX DART BOARD SET
6 brass darts & 1 board. (149369)
11.43

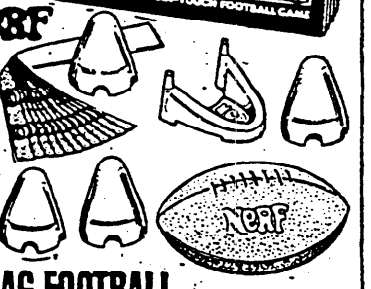


SMASHBALL PADDLE SET
Soft Smash® paddle set includes 2 soft foam paddles with foam ball. (287680)
4.87



SPALDING ENGLISH BRISTLE DART BOARD
(149252)
24.11

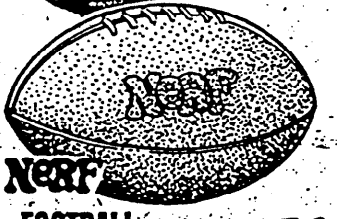




FLAG FOOTBALL
With high visibility field markers, kicking tee, authentic duo-color NERF® football and rugged vinyl flags. (346684)
12.68

INDOOR GOLF
Any home becomes a 9-hole miniature golf course with NERF® Indoor Golf. Comes with 2 golf clubs, 9 ring holes w/attachable flags, score pad & 4 vinyl golf balls. Ages 6 & up. (346668)
19.98

WORLD CLASS FRISBEE
#141G (11114)
4.87



FOOTBALL
¾ standard size easy to pass & catch. Assorted colors. (297507)
5.73

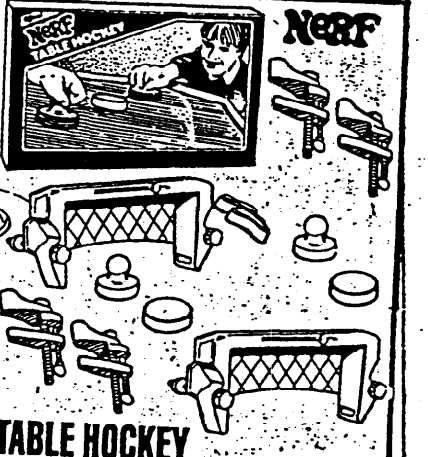


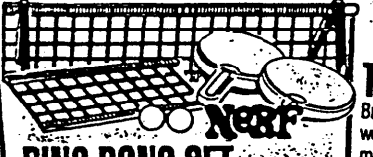
TABLE HOCKEY
Brings real air hockey action to almost any table–won't mar furniture. Equipment sets up in minutes & adjusts to fit most table sizes & shapes. Ages 7 to adult–2 players. (346650)
23.45

"AEROBIE" FLYING DISC
Hold Guiness Book of world records for throw of 1102 feet. (019695)
5.98

BASKETBALL
Indoor basketball & hoop. Claps to any door or mount on wall. Won't mark. (297499)
6.48

AQUA SLING BALLOON SLING
Great for beach. Cool friends off with the far shooting sling shot. (287987)
9.82

AQUA SLING BALLOONS 144/Bag. (287995) 2.51



PING PONG SET
Indoor tennis played on any size table. Won't mark. Includes net, 2 paddles & 2 balls. (297473)
14.44

188

MEETING LOG

May 17, 1995

9:00 am

Firm: Riva Sport

Product: Aqua Sling
Balloon
Slingshot

NAME	ORGANIZATION
Marc Schoem	CPSC-Compliance
George Sweet	CPSC - EPHF
Mike Giddings	CPSC - CAL
Jean Kennedy	CPSC - CA
Brock Landry	Representing Riva Sport