

November 2004



Trouble in Toyland

**The 19th Annual Toy
Safety Survey**

U.S. PIRG Education Fund

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Acknowledgements

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Executive Summary

Toys are safer than ever before, thanks to decades of work by product safety advocates and parents and the leadership of Congress, state legislatures and the Consumer Product Safety Commission (CPSC). Nevertheless, as parents venture into crowded malls and browse for the perfect toy on the Internet this holiday season, they should remain vigilant about often hidden hazards posed by toys on store shelves.

The 2004 *Trouble in Toyland* report is the 19th annual Public Interest Research Group (PIRG) survey of toy safety. This report provides safety guidelines for parents when purchasing toys for small children and provides examples of toys currently on store shelves that may pose potential safety hazards. PIRG's research focused on four categories of toys: toys that pose choking hazards, toys that pose strangulation hazards, toys that are dangerously loud, and toys that contain toxic chemicals.

PIRG researchers visited numerous toy stores and other retailers to find potentially dangerous toys and identify trends in toy safety. PIRG also conducted its fourth survey of online toy retailers. Key findings include:

CHOKING HAZARDS

Choking on small parts, small balls and balloons remains a leading cause of toy-related deaths and injuries. At least 150 children choked to death on children's products between 1990 and 2003, a rate of about 12 deaths a year. Our researchers found:

- Although most toys on store shelves are safe, PIRG researchers still found toys for children under three with small parts and toys with small parts for children under six without the statutory choke hazard warning.
- Toy manufacturers are over-labeling toys by placing choke hazard warnings on items that do not contain small parts. This could dilute the meaning of the warning labels, making them less useful to parents.
- Retailers are doing a better job of placing choke hazard labels on bins in which toys with small parts are sold, as required by law.
- Balloons are still manufactured and marketed in shapes and colors attractive to young children and often sold in unlabeled bins.

STRANGULATION HAZARDS

The American Society for Testing and Materials (ASTM) has set safety standards to prevent strangulation by cords and elastics attached to toys. These standards and other ASTM standards are enforceable by CPSC. PIRG researchers found:

- The popular yo-yo water ball poses particular hazards to young children, including strangulation and other injury to the eyes, neck and face. As of October 15, 2004, the CPSC had received almost 400 injury reports related to yo-yo water balls.

- PIRG researchers found one toy with a long elastic cord and bead at the end, which may pose a strangulation hazard to small children.

LOUD TOYS

Almost 15 percent of children ages 6 to 17 show signs of hearing loss, according to a 1998 study published in the *Journal of the American Medical Association*. In November 2003, ASTM promulgated a new acoustics standard for toys, setting the loudness threshold for most hand-held toys at 90 decibels; the Occupational Safety and Health Administration (OSHA) reports that prolonged exposure to sounds at 85 decibels or higher can result in hearing damage. PIRG researchers found:

- Several toys currently on toy store shelves may not meet the new ASTM standards for appropriately loud toys.

- Several toys currently on toy store shelves exceed 100 decibels when measured at close range.

TOXIC TOYS

In addition to posing choking and other hazards, some toys can expose children to dangerous chemicals. PIRG researchers found:

- In response to bans and regulations imposed by European safety agencies, many manufacturers of children's products have stopped using phthalates in toys for the U.S. market and are labeling their products as "phthalate-free." Unfortunately, some manufacturers continue to use phthalates in their products. Phthalates, a class of chemicals used to "plasticize" or soften otherwise brittle PVC plastic material, have been linked to cancer and reproductive problems.

- Manufacturers are selling play cosmetic sets that include nail polish containing toxic chemicals, such as xylene and dibutyl phthalate.

- Tests have shown popular polymer clays used for crafts, such as Fimo and Sculpey brands, contain up to 14 percent phthalates by weight and may expose children, as well as adults, to dangerous levels of phthalates through inhalation and ingestion.

OTHER TOY HAZARDS

Many toys are approved for use by young children but require additional safety precautions as well as adult supervision. Non-motorized scooters and other riding toys, for example, cause more toy-related injuries every year than any other category of toy. Electric toy mini-motorcycles and gasoline-powered mini-motorcycles ("pocket bikes") are likely to be popular purchases this shopping season. Children are vulnerable to a wide range of injuries when using both motorized and non-motorized riding toys; parents should supervise their children closely when they use these toys and outfit them with the proper safety equipment.


In addition, the CPSC recently determined that gasoline and other flammable liquids are involved in half of all reported clothing-related burns to children. Parents should be aware of products marketed for children that could be extremely flammable. For example, PIRG researchers found glitter hair sprays containing propane and marketed to young girls that are

more flammable than ordinary hair spray. Children should only use these products under close adult supervision and away from open flame.

PURCHASING TOYS ON THE INTERNET

Increasingly, parents are turning to the Internet as a convenient way to shop for toys, especially during the busy holiday shopping season. PIRG conducted its fourth annual survey of online toy retailers, finding that some online toy retailers are voluntarily displaying some sort of choke hazard warning for at least some of their toys—although mandatory requirements are still necessary. Since the CPSC has yet to require online retailers to include choke hazard warnings on their websites, the majority of retailers still do not include choke hazard warnings next to products that otherwise legally require this labeling. Specifically:

- One-third of online retailers surveyed (12/37) display some sort of choke hazard warning next to toys that otherwise require such labeling on their packaging or point of sale, although most retailers do not display these warnings consistently on their websites.

- Four online toy retailers use the statutory choke hazard warning on their websites, and four additional retailers use the statutory language but do not include the statutory warning symbol ()

- Of the online retailers surveyed, just over half (20) allow consumers to shop for toys by age group. Of these 20 websites, five post or direct parents to toys that are not age-appropriate.

- Nine of the online retailers provide no manufacturer age recommendations for the toys we surveyed.

RECOMMENDATIONS

To consumers and parents:

Be vigilant this holiday season and remember that:

- The CPSC does not test all toys.
- Not all toys available meet CPSC regulations.
- Toys that meet all CPSC regulations may still pose hazards, ranging from choking to hearing loss to chemical exposure.
- Online toy retailers do not have to provide the same safety warnings that otherwise are legally required on the packaging of toys sold in stores.
- Be aware of “hand-me-down” toys. Keep younger children away from toys with small parts designed for their older siblings.

To the CPSC:

- Reexamine the parameters by which toys are judged for age appropriateness.
- Enlarge the size of the small parts test tube and require that rounded toys meet the same choke hazard standards as small balls.
- Enforce the new ASTM acoustics standards for loud toys and consider strengthening the standards to reduce the sound threshold for hand-held toys from 90 decibels to 85 decibels.
- Ban all sales of yo-yo water balls in the United States.
- Require online toy retailers to display safety warnings otherwise required by law on toy packaging on their websites.
- Require manufacturers to label toys, not merely packaging, with manufacturer identification.
- Ban phthalates in toys and other products intended for children under five.

To toy manufacturers:

- Aim for 100 percent compliance with toy regulations.
- Use statutory choke hazard warnings on retail toy websites.
- Put manufacturer identification on toys, not just packaging.
- Do not make hand-held toys that produce sounds louder than 85 decibels.
- Do not manufacture and market balloons for children under 8 years old.
- Cease using phthalates in products intended for children and label these products as “phthalate-free.”

To toy stores and online toy retailers:

- Clearly label bins containing small toys, or the toys within the bins, with appropriate warnings.
- Consider the height of bins containing toys with small parts. Make sure they are high enough that children under three cannot reach them.
- Make sure all balloons are packaged with a statutory warning. Never place loose balloons in bins. Do not sell balloons aimed at an age-inappropriate audience.
- Display mandatory choke hazard warnings next to toys with small parts, small balls, and balloons sold on websites.

Introduction

Toys should entertain and educate children; however, poorly designed and constructed toys can cause injury and even death. According to the most recent data from the Consumer Product Safety Commission (CPSC), at least 11 children, none older than nine years old, died in 2003 from toy-related injuries. Approximately 206,500 people sought treatment in hospital emergency rooms in 2003 for toy-related injuries; at least 71,200 (34 percent) of those injured were younger than five years old. As in 2001 and 2002, riding toys, such as non-powered scooters, accounted for more injuries than any other category of toy—34 percent.¹

Since 1986, PIRG has conducted toy safety research and education projects to avoid such tragic and preventable deaths and injuries. PIRG toy safety reports over the last 18 years have led to more than 120 corrective actions by the CPSC and manufacturers.

Much of PIRG's advocacy has focused on the leading cause of toy deaths: choking. Despite federal regulations designed to reduce toy-related choking deaths, at least 150 children choked to death on children's products between 1990 and 2003, a rate of about 12 deaths a year. See Attachment B for more data on toy-related deaths.

Choking Hazards

Regulatory History

In 1979, CPSC banned the sale of toys containing small parts if they were intended for use by children under the age of three, regardless of age labeling. A small part was defined as anything that fit inside a choke test cylinder, which has an interior diameter of 1.25 inches and a slanted bottom with a depth ranging from 1 to 2.25 inches. If any part of the product – including any parts that separate during “use and abuse” testing – fits inside the test tube, the product is a choking hazard and is banned for children under the age of three.

The new regulations, however, were not entirely effective; some manufacturers attempted to circumvent the small parts ban by labeling products intended for children under three for “ages three and up.” This allowed parents to misinterpret these labels as recommendations, rather than warnings, and to purchase such toys anyway for children under three. The 1979 legislation also exempted a significant choking hazard, balloons, from any sort of warnings or regulations; it also became apparent that small balls that passed the small parts test could still pose a choking hazard, as they could completely block a child's airway.

Throughout the 1980s, consumer groups lobbied Congress and CPSC to increase the size of the small parts test and to require an explicit choke hazard warning on toys intended for older children, if the toys contained banned small parts. A 1992 campaign led by ConnPIRG and other child safety advocates resulted in a tough choke hazard warning label law that took effect in Connecticut on January 1st, 1993. The Connecticut law laid the foundation for a federal standard, and in 1994, Congress passed the Child Safety Protection Act of 1994 (CSPA).

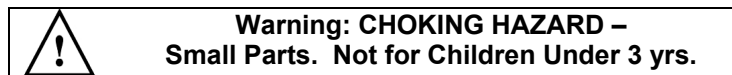
The CSPA required choke hazard labels on toys, balloons and marbles intended for children under six if they contained small parts and increased the size of the small ball test from 1.25 inches to 1.75 inches. The Child Safety Protection Act was signed into law by President Clinton on June 16, 1994 and took effect on January 1, 1995. Final CPSC regulations took effect August 28, 1995.

Requirements of the 1994 Child Safety Protection Act

The 1994 Child Safety Protection Act mandates warning labels on the following categories of products:

Small Parts

The 1994 CSPA requires that toys with small parts intended for children between the ages of three and six years old include the following explicit choke hazard warning:



Toys that have play value for children under three—i.e., have soft, rounded edges, simple construction, and bright primary colors—are banned if they contain small parts.

Small Balls

The 1994 CSPA also strengthened the test for small balls from 1.25 inches in diameter to 1.75 inches. Balls with a diameter smaller than 1.75 inches are banned for children under three years old. Round objects are more likely to choke children because they can completely block a child's airway.

Any small ball intended for children older than three must include the following warning:



Any toy intended for children between three and six years old that contains a small ball must include the following warning:



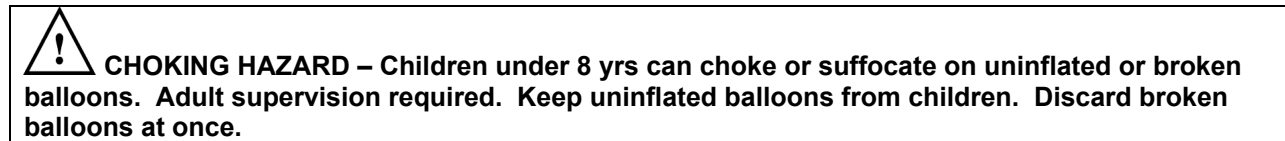
Marbles

Any marble intended for children older than three must include the following warning:



Balloons

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children's product. Almost half (44 percent) of the choking fatalities reported to the CPSC since 1990 have involved balloons. The 1994 CSPA requires the following choke hazard warning on all balloons:



PIRG's list of potentially dangerous toys includes balloons marketed specifically for children under three (e.g., "Baby's First Birthday") and balloons depicting characters appealing to children under eight years old (e.g., Thomas the Train and Bob the Builder).

Bins and Vending Machines

Finally, the CSPA requires choke hazard labels on bins and vending machines. If toys or small balls requiring labels are sold in vending machines or unpackaged in bins, these vending machines and bins must display the statutory warnings.

Toy Survey Findings: Choking Hazards

PIRG researchers surveying toy stores in the fall of 2004 identified the following trends:

- Overall, manufacturers and toy retailers are doing a better job of marketing and labeling small balls, balloons, small toys and toys with small parts, ensuring either that the bin in which the toy is sold or the toy itself is labeled with a choke hazard warning label.

- PIRG researchers still found toys for children under three with small parts; toys with small parts for children under six without the statutory choke hazard warning; and balloons printed with messages appealing to young children or sold loose in bins without choke hazard warnings.

- Manufacturers are over-labeling their toys, placing choke hazard warnings on toys without small parts or small balls. This over-labeling dilutes the weight of the warning.

See Attachment A for a list of toys that may not meet the CPSC standards for choking hazards.

Recommendations

PIRG recommends that parents use a choke testing tube or a cardboard toilet paper roll to test small toys and parts; if a toy or toy part fits in the cardboard tube, then it is too small for a child under three or an older child that still puts things in his or her mouth. Make sure that

balls given to children younger than three are at least 1.75 inches in diameter. Finally, never let children younger than eight play with latex balloons.

PIRG calls on CPSC to change the small-ball rule to include small round or semi-round objects and to enlarge the size of the small parts test tube. PIRG also calls on CPSC to discourage manufacturers from over-labeling their products with choke hazard warnings, as this could reduce the effectiveness of labels on products that genuinely pose a choking hazard to children under three.

Toy manufacturers and toy stores should clearly label bins containing small toys, or the toys themselves, with appropriate warnings. Make sure all balloons are packaged with a statutory warning, and never place loose balloons in bins. Toy manufacturers and retailers also should stop producing and selling balloons aimed at children under eight years old, such as balloons that read "Baby's First Birthday."

Strangulation Hazards

Yo-Yo Water Balls



The yo-yo water ball—also sold under such names as the water yo-yo, yo-yo squeeze toy, yo-yo sports ball, yo-yo ball, flashing yo-yo ball and yo-yo meteoric water ball—emerged in 2003 as the latest toy fad. The toy is a liquid filled ball on a stretchy bungee cord string with a finger loop at the end, allowing a child to swing the toy around, stretching the string and bouncing back like a yo-yo. The ball can be bounced, squeezed, squished and twirled like a lasso.

There are dozens of different types of yo-yo water balls distributed in the United States by many different companies. Based on information from industry sources, CPSC believes that approximately 11-15 million yo-yo ball toys were distributed in the U.S. in 2003, selling for between \$1 and \$5.²

Consumer safety agencies around the world have fielded complaints from parents reporting incidents in which water yo-yos wrapped tightly around their children's necks or caused other injuries to the eyes, face and head. The cord is made of a rubbery plastic, which extends approximately four feet. The toy is often difficult to control, as the water ball at the end of the toy is heavy enough to generate significant momentum when swung. Children between ages four and eight may be most vulnerable to injury, since they have the strength to swing the yo-yo quickly but may lack the dexterity to control the toy's momentum. *Consumer Reports* tested more than a dozen of these toys, deeming the toy "Not Acceptable" because of the potential for the cord to wrap around a child's neck and restrict or cut off circulation. *Consumer Reports* also found that the elastic finger loop could stretch enough to fit over a child's head and around his or her neck.³

As of October 15, 2004, the CPSC had received almost 400 injury reports related to water yo-yo balls. Suffocation and strangulation incidents account for almost three-fourths (282 incidents) of the reported injuries. Parents have found their children suffocating with yo-yo balls wrapped multiple times around their children's necks. Parents report using knives, scissors, and even their teeth to cut the elastic cords of the tightly wrapped yo-yo balls.⁴

In addition to strangulation and suffocation incidents, parents have reported incidents in which the yo-yo ball snapped back and hit a child; the yo-yo immediately caught on fire if near a flame; children got sick from either liquid or gas odor from the yo-yo ball; and incidents in which children suffered serious eye injuries, some of them permanent. In one case, a young boy fractured his skull after the yo-yo ball cut off his circulation and rendered him unconscious.⁵

The U.S. government, however, has taken little action. In September 2003, in response to increasing scrutiny of this toy's safety, CPSC announced the results of an investigation into the yo-yo water ball, finding that "there is a low but potential risk of strangulation from the yo-yo water ball toy." At that time, the CPSC noted that it had received 186 reports of incidents in which the yo-yo ball toy's cord wrapped around a child's neck. According to the commission, there were no lasting injuries, although seven cases reported broken blood vessels affecting eyes, eyelids, cheeks, neck, scalp or the area behind the ears.⁶ CPSC decided to not recall the

product; instead, the agency advised parents to supervise use of the toy, cut its cord, or throw it away. The CPSC has not taken any additional action to remove the toy from the market or ban its sale in the United States. Some major retailers, including Toys R Us, Walgreen's, and Saks, have stopped selling the toy.⁷

In response to the CPSC's inaction, both state and federal lawmakers in the U.S. have taken steps to ban the toy. Congressman Robert Andrews (D-NJ) introduced legislation in the 108th Congress to ban the sale of yo-yo water balls. In addition, the New Jersey state legislature is considering legislation to ban the toy from being sold in New Jersey. In April 2003, the New York Consumer Protection Board asked retailers to pull water yo-yos from their shelves and called on the CPSC to recall the toy.⁸ In June 2003, the Massachusetts Office of Consumer Affairs and Business Regulation issued a warning to parents about the dangers of the yo-yo water ball and urged the CPSC to recall it.⁹

Injuries associated with the water yo-yo also have prompted strong action in countries around the world. In May 2003, the Canadian government issued a warning that the water yo-yo may pose a strangulation hazard to children; the government re-issued the warning in August 2003 in light of numerous reported incidents and continued widespread availability of the toy. On October 2, 2003, Canada's Consumer Product Safety Bureau announced that "yo-yo type balls and similar products are prohibited from advertising, sale or importation in Canada."¹⁰ The sale of yo-yo water balls is currently banned in France, Switzerland, Australia, Luxembourg, Brazil and the United Kingdom. This is the first toy to be banned in the UK in more than a decade.¹¹

In addition to the strangulation risks and reported eye injuries, some studies have found that the yo-yo ball may be flammable and that the contents of the water ball pose a toxic hazard. Tests commissioned by the Massachusetts Office of Consumer Affairs and Business Regulation found that the plastic exterior of certain water yo-yos may be made from diesel hydrocarbons. Scientist Jim Polansky noted that the ball caught fire instantly when exposed to a flame from a lighter.¹² *Consumer Reports* found that the balls burn aggressively when held over a candle flame.¹³ CPSC investigated reports of potential toxicity from the liquid inside the toy and flammability from a flame test of the yo-yo ball toy. CPSC staff found no toxicity or flammability concerns.¹⁴

Recommendations

The growing numbers of injuries sustained by children playing with the yo-yo water ball are strong evidence that the toy should be banned in the United States. The CPSC should not wait until a child dies to protect children from the dangers posed by playing with this toy.

Cords and Elastics in Toys

The American Society for Testing and Materials (ASTM) maintains a voluntary standard for accessible cords and elastics that may pose entanglement or strangulation hazards. ASTM's standard states that cords and elastics "included with or attached to toys intended for children less than 18 months of age (excluding pull toys) shall be less than 12 inches long when measured to the maximum length. If cords/elastics or multiple cords/elastics can tangle or form a loop, or both, in connection with any part of the toy, including beads or other attachments on the ends of cords/elastics, the perimeter of the loop shall be less than 14 inches..."¹⁵

ASTM published a separate voluntary standard for pull toys, stating that “cords and elastics greater than 12 inches long for pull toys intended for children under 36 months of age shall not be provided with beads or other attachments that could tangle to form a loop.”¹⁶ The cord could become tangled around a child’s neck and be locked into place by the knob.

CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary. PIRG recommends that parents should remove beads or other attachments from elastics/cords on their children’s toys if the cords measure more than 12 inches in length.

Crib Mobiles

Crib mobiles present a special hazard for infants. Around the age of five months, children become more mobile and begin to push themselves up on their hands and knees. At that point, mobiles left within reach of a child become hazardous; a child may be able to entangle herself in them, but lacks the physical strength or motor skills to untangle herself. CPSC has recalled nine crib mobiles since 1980; five of these were due to strangulation hazards. At least two children have strangled on crib mobiles since 1980.¹⁷ According to the voluntary standard published by the American Society for Testing and Materials, crib mobiles should be labeled with the following warning: “Caution: possible entanglement injury: keep toy out of baby’s reach. Remove mobiles from crib or playpen when baby begins to push up on hands and knees.”¹⁸

Dangerously Loud Toys

Every day, almost 140 million Americans experience noise levels that the U.S. Environmental Protection Agency (EPA) categorizes as “annoying or disruptive.”¹⁹ Karen A. Bilich writes that children “are especially vulnerable to noise induced hearing loss – which often happens gradually and without pain – from overexposure to noise.”²⁰ Almost 15 percent of children ages 6 to 17 show signs of hearing loss, according to a 1998 study published in the *Journal of the American Medical Association*.²¹

The Occupational Safety and Health Administration (OSHA) reports that prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage.²² The American Academy of Pediatrics and the National Campaign for Hearing Health also use 85 decibels as a threshold for dangerous levels of noise. The following are the accepted standards for recommended permissible exposure time before hearing damage can occur. For every three decibels over 85 decibels, the permissible exposure time before possible damage can occur is cut in half.²³

- 85 decibels: Exposure over an 8-hour period causes hearing loss.
- 90 decibels: Exposure for 2 hours can cause hearing loss.
- 97 decibels: Exposure for 30 minutes can cause hearing loss.
- 100 decibels: Exposure for 15 minutes can result in hearing loss.
- 110 decibels: Exposure for less than 2 minutes can result in hearing loss.
- 120 decibels: Exposure for less than 30 seconds can cause hearing loss.
- 130 decibels: Any exposure will result in permanent hearing loss.

Standards for Loud Toys

As originally promulgated, the Standard Consumer Safety Specification for Toy Safety (ASTM F963) states that toys “shall not produce impulsive noises with an instantaneous sound pressure level exceeding 138dB when measured at any position 25 cm from the surface of the toy.”²⁴ According to Nancy B. Nadler, M.E.D., M.A., Director of the Noise Center at the League for the Hard of Hearing, this is louder than a jet taking off or the sound of a jack-hammer.²⁵

As of November 2003, ASTM finalized new and more specific specifications for sound-producing toys that are “intended to minimize the possibility of hearing damage that might be caused by toys that are designed to produce sound.”²⁶ CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary. These standards include the following:²⁷

- Hand-held, table-top, floor, and crib toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 90 dB when measured from a distance of 25 centimeters.
- Close-to-the-ear toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 70 dB when measured from a distance of 25 centimeters.

- All toys with impact-type impulsive sounds: Toys shall not produce an impact-type peak sound pressure level in excess of 120 dB when measured from a distance of 25 centimeters. This requirement also applies to all recorded impulsive sounds, such as those produced by video games, regardless of what was recorded (explosion or impact).

- All toys with explosive-type impulsive sounds except percussion caps: Toys shall not produce an explosive-type peak sound pressure level in excess of 138 dB when measured from a distance of 25 centimeters.

These standards do not apply to 1) sounds produced by mouth actuated toys where the sound pressure level is determined by the blowing action of the child; 2) child actuated sounds such as those produced by drums and bells where the sound pressure level is determined by the muscular action of the child; 3) tape players, CD players and other similar electronic toys where the sound output is dependent on the content of removable media (e.g. tape, CD, record, game cartridge); 4) toys that are connected to or interfaced with external devices (e.g. televisions, computers) where the sound pressure level is determined by the external device; 5) squeeze toys; 6) sound emitted from earphones/headphones; 7) sounds produced by toys with wheels as a result of their wheels making contact with the ground, floor, etc.; and 8) impulse sounds produced by caps.²⁸

These standards, while a solid step in the right direction, are not sufficient to ensure that loud toys will not harm children's hearing. The new specifications have four primary weaknesses:²⁹

- Overall, it is unclear whether or not ASTM's new standards take into consideration that children's ears may be more sensitive to loud noises than adults' ears.

- The sound limits of 90 dB for hand-held, table-top, floor, and crib toys and 120 dB and 138 dB for toys with impact-type and explosive-type impulsive sounds, respectively, are too high. As noted above, exposure to sounds at 85-90 decibels over two hours causes hearing loss. At 120 decibels, exposure for less than 30 seconds causes hearing loss.

- These standards are voluntary for toy manufacturers, not mandatory. CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary.

- The exceptions to the noise specifications are too broad and exempt wide-ranging categories of toys from having to minimize their impact on children's hearing.

In addition, the ASTM standards are based on peak sound pressure levels measured from a distance of 25 centimeters (about 9.84 inches). Children often play with toys at a much closer distance than 25 centimeters—even holding a toy up to their ears—and therefore could experience the noise at a more powerful level.

PIRG researchers measured the loudness of several toys, taking the readings from 25 centimeters (9.84 inches), 10 centimeters (3.94 inches) and 1 centimeter (.39 inches) to determine the range of noise to which a child playing with a toy could be exposed. Our results are in Attachment A.

Recommendations

To protect children from dangerously loud toys, PIRG supports the recommendations of the League for the Hard of Hearing:

- If a toy sounds too loud for you in the store, don't buy it. Children are even more sensitive to sound than adults.
- Put tape over the speakers of any toys you already own that are too loud. This will reduce the noise levels of the toys.
- Remove the batteries from loud toys.
- Report a loud toy to the CPSC.

CPSC should:

- Enforce the new ASTM standards to the fullest extent.
- Consider strengthening the standards to be more protective of children's delicate ears. Specifically, CPSC should consider lowering the threshold for hand-held toys from 90 dB to no higher than 85 dB.

Potentially Toxic Toys

ASTM's toy safety standards state that toys or materials used in toys must conform to the Federal Hazardous Substances Act.³⁰ Under the Federal Hazardous Substances Act, products that are toxic or irritants and that may cause substantial injury or illness under reasonably foreseeable conditions of handling or use, including reasonably foreseeable ingestion by children, are "hazardous substances."³¹ In addition, play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetic Act.³² In evaluating the potential risks associated with children's products that contain hazardous chemicals, CPSC's staff considers certain factors on a case-by-case basis, including: the total amount of the hazardous chemical in a product, the accessibility of the hazardous chemicals to children, the risk presented by that accessibility, the age and foreseeable behavior of the children exposed to the product, and the marketing, patterns of use, and life cycle of the product.³³

Phthalates in Products Intended for Small Children

Past PIRG reports have profiled the dangers of soft plastic polyvinyl chloride (PVC) toys that contain phthalates, a chemical used to "plasticize" or soften the otherwise brittle PVC material. Testing has shown that these phthalates are not "bound" to the plastic, but leach out of it over time. Chewing and sucking on toys during play can increase the rate at which these toxic chemicals are released and increase children's exposure to them.

For years, diisononyl phthalate, or DINP, was one of the most common phthalates used to soften vinyl toys. Tests commissioned by Greenpeace in 1998 found that some toys contained up to 40 percent DINP by volume.³⁴ Studies have shown that DINP causes cancer and reproductive disorders in laboratory experiments.³⁵ A Chronic Hazard Advisory Panel authorized by CPSC to examine the existing scientific data concerning the potential risks of phthalates to humans concluded that while the majority of children would not be adversely affected by DINP, "there may be a DINP risk for any young children who routinely mouth DINP-plasticized toys for seventy-five minutes per day or more."³⁶

In September 2004, the European Union (EU) agreed to impose wide restrictions on the use of six phthalates in children's toys. The EU banned three phthalates - DINP, diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) - in toys and childcare articles for children under three that can be put in the mouth. The EU banned three other phthalates classified as reproductive toxicants - di(2-ethylhexyl) phthalate (DEHP), butyl benzyl phthalate (BBP) and dibutyl phthalate (DBP) - in all toys.³⁷

Although the United States has not taken similar action, many manufacturers have removed phthalates from their products in response to consumer concern and market pressure in Europe. In 1998, in response to a petition filed by PIRG and other groups, CPSC asked that the toy industry voluntarily remove phthalates from rattles and teething toys. Many manufacturers are now labeling their products as "phthalate-free." Unfortunately, PIRG researchers still found toys on store shelves that are intended for children younger than three and contain phthalates. Empire State Consumer Association, a consumers' rights group based in New York, commissioned independent laboratory tests of a small soft plastic basketball manufactured by

Baby N' Things (see Attachment A). Laboratory tests found that the basketball contains 27 percent phthalates by weight.

Some manufacturers have turned to alternative plasticizers to soften PVC. Risk & Policy Analysts and the Research Institute for Toxicology reviewed the availability of substitute plasticizers and their potential health effects and for the European Commission in June 2000. The study examined the potential risks of two substitute plasticizers, o-acetyltributyl citrate (ATBC) and diethylhexyl adipate (DEHA). The researchers found that ATBC, the most common substitute plasticizer, is safer than DINP, but the margin of safety for DEHA is actually lower than that for DINP. The researchers note that there is comparatively less research on toxicity and migration for these chemicals than for phthalates.³⁸

PVC, with or without phthalates, may pose its own set of health and environmental risks because of the stabilizers and plasticizers added to it. Fortunately, there are viable alternatives to PVC. Some manufacturers have stopped using PVC and instead use a substitute plastic, ethylene vinyl acetate (EVA). EVA does not have the safety concerns associated with PVC; it can be used without a plastic softener.

Recommendations

PIRG will continue to monitor the content of soft plastic toys, such as teething rings and vinyl bath books, as manufacturers switch from phthalate-softened PVC to other plastics and plasticizers. In the meantime, parents concerned about the composition of their children's soft plastic toys should contact the manufacturer or purchase toys specifically labeled as phthalate-free.

Since new products enter the marketplace everyday and not all manufacturers label their products as "phthalate-free," PIRG calls on CPSC to formally ban the use of phthalates in all toys for children five years old and under.

Phthalates in Modeling Clay

Polymer clays are a form of modeling clay that has become popular in recent years among children, adolescents and adult craftspeople. They are inexpensive, come in a variety of colors, are soft at room temperature, can be molded by hand into small or large items, and can be baked in a conventional oven at low heat, resulting in a permanent hard object. Fimo and Sculpey are the most common brand names of polymer clays in the U.S., but other different product lines exist.

These clays contain polyvinyl chloride (PVC) mixed with phthalate plasticizers. While the phthalate plasticizers make the clay soft and workable, they are associated with potential health risks. As noted above, phthalates as a class of chemicals have been implicated in birth defects, reproductive problems, nerve system damage and other negative health effects.

In 2002, Vermont PIRG (VPIRG) released research indicating that children and adults using polymer clays may be exposed to phthalates at harmful levels—even when clays are prepared following proper package directions.³⁹ VPIRG sent samples of Sculpey and Fimo polymer clay products purchased from local stores in Montpelier, Vermont to laboratories for both compositional analysis and exposure analysis. Laboratory testing of the clays by Philips Services in Ontario, Canada revealed that mixed phthalates comprised between 11 and 14 percent of the total

contents of each of the Fimo samples. The Sculpey samples each contained between 3.5 and 4.4 percent mixed phthalates.

VPIRG also commissioned the Environmental Quality Institute (EQI) at the University of North Carolina-Asheville to assess human exposure to phthalates when polymer clays are used according to packaging directions. Researchers at the lab prepared and baked clay samples following the manufacturers' directions and measured releases of phthalates in the air and residues of phthalates on users' hands. The EQI lab found that, when prepared as directed, polymer clays could expose children and adults to significant concentrations of phthalates from both handling the clays and breathing in air contaminated with phthalates during the baking process.

- The Occupational Safety and Health Administration (OSHA) has established an eight-hour standard for adult workers' exposure to certain phthalates at five milligrams per cubic meter of air. Using this standard as a measure for comparison, inhalation testing showed that the baking process could expose children and parents to up to twice this level.

- Estimates of ingestion exposure for five of the clays tested found that a child who played for five minutes with 100 grams of clay could exceed the maximum daily exposure level for certain phthalates allowed under Florida's drinking water limit.

In addition to phthalate exposure, the research indicates that when polymer clay is overheated enough or accidentally burned, the PVC will break down and release toxic hydrochloric acid gas.

Since the release of the VPIRG research, Sculpey, Fimo and the Art & Creative Materials Institute have not indicated—at least publicly—any changes to the composition of these polymer clays.

Recommendations

PIRG recommends that consumers avoid using polymer clays and calls on the CPSC to recall or suspend sale of polymer clays until they are shown to be safe for use by children and pregnant women. If the products remain on the market, PIRG calls on manufacturers to provide adequate warnings to consumers as to why they should avoid use of the products or take special precautions when using them. Finally, state Attorneys General should investigate the claims by manufacturers that the clays are “non-toxic.”

Toxic Chemicals in Children's Cosmetics

The CPSC has issued guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals. This guidance states that in order to “reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, the Commission requests manufacturers to eliminate the use of such chemicals in children's products.”⁴⁰

PIRG researchers found several examples of play cosmetic sets containing nail polish marketed for children that contains toxic chemicals, such as xylene and dibutyl phthalate. Since children are prone to putting their hands in their mouths, nail polish applied to fingernails offers a

direct route of exposure. Children could face additional exposure by inhaling vapors from the nail polish when applying the product.

Xylene

PIRG researchers found several examples of play cosmetics containing xylene, despite the CPSC guidance urging manufacturers to remove xylene from their products. See Attachment A for a list of products found containing xylene.

According to the Agency for Toxic Substances and Disease Registry (ATSDR) of the Centers for Disease Control, xylene is a colorless, sweet-smelling liquid that occurs naturally in petroleum and coal tar and is highly flammable. Xylene is used as a solvent and in the printing, rubber, and leather industries. It is used as a cleaning agent, a thinner for paint, and in paints and varnishes and is found in small amounts in airplane fuel and gasoline.

Xylene affects the brain. High levels from exposure for short periods (14 days or less) or long periods (more than 1 year) can cause headaches, lack of muscle coordination, dizziness, confusion, and changes in one's sense of balance. Exposure of people to high levels of xylene for short periods can also cause irritation of the skin, eyes, nose, and throat; difficulty breathing; problems with the lungs; delayed reaction time; memory difficulties; stomach discomfort; and possibly changes in the liver and kidneys. It can cause unconsciousness and even death at very high levels.⁴¹

Dibutyl Phthalate

PIRG researchers also found several examples of play cosmetics containing dibutyl phthalate, one of the phthalates recently banned by the European Union in all toys. See Attachment A for a list of products found containing dibutyl phthalate.

According to ATSDR, dibutyl phthalate is an odorless and colorless or faintly yellow oily liquid that does not occur in nature. It is a chemical that is added to hard plastics to make them soft. These plastics are used to make many products that we use every day such as carpets, paints, glue, insect repellents, hair spray, nail polish, and rocket fuel. ATSDR reports that researchers have observed birth defects in animals exposed to high levels of dibutyl phthalate during development. Death, low body weights, skeletal deformities, cleft palate, and damage to the testes have been observed in the offspring of animals ingesting large amounts of dibutyl phthalate.⁴²

According to the Environmental Protection Agency, little information is available on the health effects of human exposure to dibutyl phthalate. Tests involving acute exposure of rats and mice have shown dibutyl phthalate to have moderate toxicity from inhalation exposure and low toxicity from oral exposure. Similarly, limited information is available on the chronic effects of dibutyl phthalate in animals from inhalation exposure; one study reported decreased body weight gain and increased lung weight relative to body weight, and another study reported an increase in brain weight as a percent of body weight. Animal studies have reported developmental effects, such as reduced fetal weight, decreased number of viable litters, and birth defects (neural tube defects) in mice exposed orally to dibutyl phthalate. Reproductive effects, such as decreased spermatogenesis and testes weight, also have been reported in oral animal studies.⁴³

Recommendations

PIRG recommends that parents read the labels of children's cosmetics carefully and purchase only certified non-toxic nail polish and makeup kits, craft kits and other products. CPSC also should enforce its guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals and expand it to include other toxic chemicals that may expose children to hidden health hazards.

Projectiles, Scooters & Other Toy Hazards

Projectiles

ASTM established standards governing projectile toys, defined as toys “intended to launch projectiles into free flight by means of a discharge mechanism in which the kinetic energy of the projectile is determined by the toy and not by the user.”⁴⁴ The standards state that projectiles intended to be fired from a toy “shall not have any sharp edges, sharp points, or small parts” that would fit inside the choke tube described in the previous section.⁴⁵ In addition, the standard states that rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).⁴⁶ Any protective tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.⁴⁷

CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary.

Scooters

Popular lightweight scooters, which first entered the U.S. market in 1999, continue to pose a serious threat of injury to children. Injuries from riding toys, including scooters, skyrocketed between 2000 and 2001, from 65,000 to 121,700 injuries. This number has fallen steadily since 2001, with 70,600 injuries in 2003, but scooters and other riding toys still cause more injuries than any other category of toy (34 percent).⁴⁸ This decline is likely do in part to increased parental awareness of the dangers posed by scooters.

To prevent injuries while using both motorized and non-powered scooters, PIRG joins the CPSC in its recommendations to consumers:

- Wear proper safety gear, including a helmet that meets CPSC’s standard, knee and elbow pads, and wrist guards.
- Ride the scooters on smooth, paved surfaces without any traffic. Avoid streets, or surfaces with water, sand gravel or dirt.
- Do not ride the scooter at night.
- Children under age 8 should not use non-powered scooters without close adult supervision.

Pocket Bikes and Mini Motorcycles

Two types of bikes have become popular with children: electric toy motorcycles and gasoline-powered motorcycles (“pocket rockets” or “pocket bikes”). Both types of motorcycles pose dangers to their riders and are not appropriate for use on public streets.

Electric Mini-Motorcycles



Toy stores are currently selling electric mini-motorcycles that have an age recommendation of 8 years and up; these toy motorcycles reach speeds of around 10 mph. These toys are not street legal and should not be used on sidewalks because of their potential to injure pedestrians. These bikes also are extremely low to the ground and therefore difficult to see in vehicle traffic.

Recommendations

Electric motorcycles should only be used on private property, with close parental supervision and the proper safety equipment. To prevent injuries while using electric motorcycles, PIRG makes the following recommendations to parents:

- Make sure children wear a helmet that meets CPSC’s standard.
- Children should ride mini-motorcycles on smooth, paved surfaces without any pedestrian traffic.
- Children should not use these toys on public streets, even with parental supervision.
- Children should not ride mini-motorcycles at night.

Gasoline-Powered Mini-Motorcycles

Gasoline-powered mini-motorcycles, commonly referred to as pocket bikes or pocket rockets, look similar to the electric toy version, but should not be considered a toy. In fact, pocket bikes can reach speeds up to 40 mph. They are not safe for use on streets because they lack required equipment and are too tiny for other drivers on the road to see. The height of most pocket bikes ranges from 15 to 20 inches. According to the CPSC, hospitals nationwide treated an estimated 2,345 injuries involving small two-wheeled motorized mini-bikes and trail bikes in 2003.⁴⁹ As a result of the growing number of deaths and injuries involving pocket rockets, some states and local governments are taking action to ban their use.

Recommendations

- Pocket bikes are not toys. Retailers and manufacturers should not market gasoline-powered pocket bikes to or for children under 16.
- Pocket bikes should only be used on private property or special tracks.
- Riders should wear safety equipment appropriate for motorcycle riding.
- Retailers should clearly inform consumers that the bikes are neither safe nor legal for street use.
- Local and state governments should enact legislation to explicitly ban the use of pocket bikes on public roads.

Flammable Children's Products

For the first time last year, the CPSC used data collected from the National Burn Center Reporting System to monitor occurrences of clothing-related burn injuries to children. The CPSC staff reviewed 209 children's clothing burn injury reports and found that more than half involved gasoline or other flammable liquids.⁵⁰ The large number of incidents involving flammable products indicates the dangers associated with their use.

For example, *Consumer Reports* recently came across Party Success spray-on "Temporary Glittering Hair Color" sold near children's party string spray and favors at a Wal-Mart in California. Tests conducted by *Consumer Reports* found that when sprayed near a candle, the aerosol ignited, shooting a two-foot flame. The warning on the can says that children should not use it without adult supervision and that it is "extremely flammable." The product is legal, according to a spokesman for the Food and Drug Administration, and the agency regulates it as a cosmetic. The magazine noted its concern, however, that children may try to use it on their own and could be injured.⁵¹

PIRG researchers conducted a similar non-scientific test and found similar results—color glitter hair sprays marketed to young girls may be extremely flammable, and improper use could result in significant injuries. Our researchers purchased two brands of hair spray marketed to children—Claire's Cosmetics Color Glitter Hair Spray and Icing by Claire's Sparkling Glitter Hair Spray—and compared their flammability with that of White Rain Extra Hold Hair Spray, a commonly purchased aerosol hair spray. When sprayed near a flame, both types of glitter hair spray produced a thick, intense flame approximately three feet in length with small bursts and fireballs; the regular hair spray produced a significantly smaller flame. The color glitter hair sprays list butane/propane as the primary ingredient, unlike the White Rain aerosol hairspray. The glitter spray also contains glitter particles that catch fire and increase the volatility of the product.

Although the glitter hair spray cans warn "Caution: Extremely Flammable," this warning is also found on non-glitter aerosol hair sprays that are much less flammable. In addition, although the warning states to keep the hairspray out of children's reach except under adult supervision, the product is clearly marketed for a child.

Survey of Online Toy Retailers

The Internet offers busy parents the convenience of purchasing toys for their children without having to brave crowded toy stores, especially around the holidays. Unfortunately, CPSC does not require online toy retailers to display safety warnings—such as the small parts choke hazard warning—with the product listing. PIRG has been disappointed that the CPSC has not sought to voluntarily extend the CSPA’s “brick and mortar” toy labeling requirements to the Internet despite our recommendations.

PIRG conducted its fourth annual survey of online toy retailers, finding that some online toy retailers are voluntarily displaying some sort of choke hazard warning on at least some of their toys—although mandatory requirements are still necessary. Since the CPSC has yet to require online retailers to include choke hazard warnings on their websites, the majority of retailers still do not include choke hazard warnings next to products that otherwise legally require this labeling. Specifically:

- One-third of online retailers surveyed (12/37) display some sort of choke hazard warning next to toys that otherwise require such labeling on their packaging or point of sale, although most retailers do not display these warnings consistently on their websites.
- Four online toy retailers use the statutory choke hazard warning on their websites, and four additional retailers use the statutory language but do not include the statutory warning symbol (⚠).
- Of the retailers surveyed, just over half (20) allow consumers to shop for toys by age group. Of these 20 websites, five post or direct parents to toys that are not age-appropriate.
- Nine of the retailers provided no manufacturer age recommendations for the toys we surveyed.

See Attachment C for the complete survey findings and the methodology for a description of how we conducted this analysis.

Recommendations

Although some online retailers are displaying choke hazard warnings, not all retailers are displaying these warnings and few use the statutory choke hazard warning. Parents and toy-givers shopping online should have access to the same safety information as those shopping in stores. PIRG calls on CPSC to require toy manufacturers and retailers to display the CSPA choke hazard warnings next to products sold on their websites, including toys containing small parts and small balls, marbles, and balloons.

Gaps in Toy Safety Regulation

Despite improvements in toy regulations and labeling requirements, parents should remain vigilant, even in light of the CPSC's leadership. Consumers looking for toys still face an industry full of safety loopholes; once toys fall through, it is difficult to remove them from the market.

Loopholes in Toy Safety Regulation

Some companies do not adequately comply with the specifics of the law, allowing potentially dangerous toys to be produced, marketed and sold. Toy manufacturers and importers continue to sell toys for children under three that violate the small parts regulations and pose choking hazards to children.

Even when companies do comply with the laws, the current regulations do not address all of the choking hazards posed by toys. While the choking test cylinder eliminates most objects small enough to enter a child's lower throat and air passages, it does not eliminate all objects that can block the airway by obstructing the mouth and upper throat. Children continue to choke on toys that do not technically violate the CPSC regulations.

A new factor complicating toy safety is the growing popularity of online toy retailers. The convenience of online toy stores draws increasing numbers of consumers each year, yet these stores pose special difficulties for consumers. Although PIRG's fourth annual survey of toy websites found that some online toy retailers are voluntarily posting the choke hazard warning labels required by law on toy packages sold in stores, two-thirds of the online retailers surveyed still do not include any such labeling on their websites. (See Attachment C for PIRG's 2004 survey of online toy retailers).

Ineffective Toy Recalls

Even though CPSC occasionally announces recalls publicly through national television, national toy stores and pediatricians' offices, many consumers still do not find out about recalled toys. CPSC has launched <http://www.recalls.gov> as one means to communicate to a broader audience about recalled toys and other products.

Recalls are made more difficult by the fact that many consumers have difficulty determining whether they actually own the product being recalled. The failure of toy manufacturers to label their products – not just the packaging – with contact information or even the name of the manufacturer makes identifying recalled products difficult if not impossible.

Manufacturers, on the other hand, rarely have any way of contacting consumers who have purchased their products. Very few consumers fill out "warranty" cards provided with some products, because the questions asked are so clearly intended for marketing purposes and consumers have legitimate privacy concerns. Safety should not be conditioned on marketing.

PIRG supports a petition filed by Consumer Federation of America in 2001, which requested that CPSC require manufacturers to institute the use of consumer registration cards. These cards would allow manufacturers to contact consumers about recall and safety actions taken by the CPSC or the manufacturer of the product. This petition also requested that CPSC require the manufacturer to include contact information, including an address, phone number and/or web address, on every product intended for children.

Positive Trends in Toy Safety

PIRG researchers identified several positive trends as a result of its 19th annual toy safety survey:

- Overall, most toy manufacturers are complying with the letter and spirit of the Child Safety Protection Act with regards to labeling their toys with statutory warnings, although PIRG researchers were able to find toys without adequate labeling.
- ASTM has developed standards for excessively loud toys, although they could be strengthened to be more protective of children's delicate ears.
- Many toy manufacturers have complied with the CPSC's request to voluntarily remove phthalates from teething rings, rattles and other products intended for small children. Despite manufacturer response, CPSC should formally ban the use of phthalates in all products intended for children under five years old.
- Several toy companies are beginning to label their toys and products as "phthalate-free," giving consumers the information they need to make informed purchases for their children.
- Some online toy retailers are voluntarily displaying some form of choke hazard warnings on their web pages, although only one-third of retailers surveyed have taken this action. CPSC should require that online toy retailers display statutory choke hazard warnings next to products sold on their websites if they require such labeling on their packaging.

Methodology

Choking hazard: We categorized toys as a potential choking hazard if a) if a toy labeled for children under three contains small parts or breaks into small parts when subject to “use and abuse” testing; b) a toy contains small parts or small balls but has “play value” for children under three, regardless of age labeling if any; c) a toy contains small parts or small balls, is intended for children over three, but lacks the statutory choke hazard warning; or d) the toy is intended for children under six, lacks the statutory choke hazard warning and appears to fail the “use and abuse” test, breaking easily into small parts that fit in the choke tube.

Strangulation hazard: We categorized toys as a potential strangulation hazard if the cord or elastic stretches beyond 12 inches and can easily form a loop around a child’s neck (i.e., the toy has a ball or toggle at the end of the cord.)

Noise hazard: Using a digital sound level meter, we measured the loudness of each toy (in decibels) from 25 cm, 10 cm, and 1 cm. The toy was placed on a flat table with the sound meter placed on a tripod pointed at the toy. We tested each toy for 30 seconds and recorded the highest continuous maximum measurement, the loudest sound level recorded during a one second sampling period.

Toxic hazard: We did not test any products to determine the contents of the children’s cosmetics identified in Attachment A of this report. We relied solely upon the list of ingredients provided on the product packaging.

Online toy survey: We compiled a list of numerous toys on toy store shelves that require and contain proper choke hazard labeling. We then identified as many online toy retailers as possible, ultimately compiling a list of 37 vendors. On each website, we searched for five toys requiring choke hazard labeling and noted whether or not the statutory choke hazard warning was displayed with the product listing. (On some sites, five toys requiring choke hazard warnings were not available.) For websites allowing consumers to search for toys by age group, we entered the category including toys for children younger than three and attempted to locate toys that had small parts (and are therefore inappropriate for children under three). If we found toys that contain small parts or if the website directed consumers to toys with small parts, then we noted that the website’s age categories include age-inappropriate toys. See Attachment C for the findings of our 2004 online toy survey.

Attachments

A. Summary of Toy Hazards and Potentially Hazardous Toys. These toys, found on store shelves in September, October and November of 2004, are examples of toys that are potentially hazardous to children. The list is not intended to be all-inclusive.

B. Deaths from Toys 1990-2003. Table detailing annual toy-related deaths, based on data released from the CPSC.

C. PIRG's 2004 Survey of Online Toy Retailers. PIRG surveyed 37 online toy retailers for their use of statutory choke hazard warnings on their websites.

Attachment A. 2004 Summary of Toy Hazards and Examples of Potentially Dangerous Toys

- POTENTIAL CHOKING HAZARDS -

Standards

- CSPA requires that toys intended for children between the ages of three and six years old that contain small parts include an explicit choke hazard warning.
- Toys that have play value for children under three—i.e., have soft, rounded edges, simple construction, and bright primary colors—are banned if they contain small parts.
- CSPA requires that any small ball or toy that contains a small ball meet a stricter safety test and include an explicit choke hazard warning.
- CSPA requires that any marble intended for children older than three include an explicit choke hazard warning.
- CSPA requires that all balloons include a warning about the dangers of uninflated or broken balloons to children younger than 8 years of age.

Examples of Toys that Pose Potential Choking Hazards

- Toys for Children Under 3 Containing Small Parts -



Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: "Fun Years Music" Big Drum Musical Set

Manufacturer: Geoffrey Inc.

Item Number: KS3153A

Problem: Labeled for children ages 2+. Bells detach easily from wristband and fit in choke tube. Whistle detaches from key ring and fits in choke tube.



Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: "Pals on the Go!" Pull Toy

Manufacturer: Battat

Item Number: SX69928

Problem: Labeled for children 18 months and older. Pull cord separates, leaving a small part attached to a string.

CSPA means Child Safety Protection Act of 1994, which requires specific warnings on toys with small parts or small balls for children younger than 6 years old. Toys on this list are examples of potentially dangerous toys. This list includes only examples from a survey conducted in the fall of 2004 and should NOT be regarded as all inclusive. Consumers should read PIRG's "Tips for Toy Safety," available at www.toysafety.net, for more information.



Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: "You & Me" Gabrielle's Greenhouse

Manufacturer: Geoffrey Inc.

Item Number: 90566

Problem: Labeled for children ages 2+. Flowers can pop off stems; some fit in choke tube.



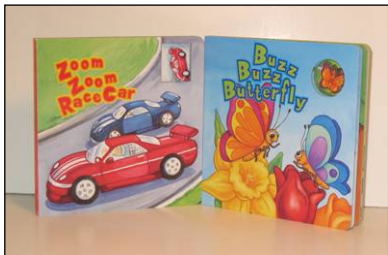
Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: Toy Tunes Light & Sound Musical Toy

Manufacturer: Dollar Tree Dist.

Item Number: 803970 3JFK12

Problem: Toy has play value for child under 3 years old (bright primary colors, simple construction, rounded edges). Toy packaging has choke hazard warning; bead at end of drumstick pops off easily.



Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: Buzz Buzz Butterfly, Zoom Zoom Race Car, Click Clack Train, Itsy Bitsy Spider Cardboard Books

Manufacturer: Clever Factory

Item Number: 66420

Problem: Books have play value for child under 3 years old (heavy cardboard, easy-to-turn pages, small number of pages). Books have choke hazard warning; pop-up car, butterfly, etc. detach easily.



Category: May violate CSPA ban on small parts for toys intended for children under 3 years.

Toy Name: Two by Two Coloring Book with 12 Animal-Shaped Crayons

Manufacturer: Dalmatian Press

Item Number: 1403707138

Problem: Has play value for a child under 3 (large crayons, bright colors). Some animal-shaped crayons fit in choke tube. No choke hazard warning.

- Toys that May Not Meet CSPA Labeling Requirements -



Category: Potential CSPA labeling violation

Toy Name: Assorted rings

Manufacturer: Assorted

Item Number: Assorted

Problem: Rings fit in choke tube. Have play value for children under 6. Often sold in unlabeled bins without CSPA choke hazard warning displayed.



Category: Potential CSPA labeling violation

Toy Name: Assorted small balls

Manufacturer: Assorted

Item Number: Assorted

Problem: Small balls fail the small ball test. Often sold in bins without the CSPA choke hazard warning displayed.



Category: Potential CSPA labeling violation

Toy Name: Hot Wheels Rev-Ups

Manufacturer: Mattel

Item Number: Asst C6357

Problem: Rubber tires pop off easily and fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Novelty key ring in animal shapes with inflatable tongues

Manufacturer: Unknown

Item Number: Unknown

Problem: Rubber tongue detaches easily. CPSC recalled similar "Zapper Toys" in March 2001 (<http://www.cpsc.gov/cpscpub/prerel/prhtml/01/01110.html>). Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Fisher Price Loving Family Pony Parade

Manufacturer: Fisher Price/Mattel

Item Number: 74148, 74149

Problem: Toy corn, baby bottle and heart locket fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Spiderman Web Attack with Web Missile Launcher

Manufacturer: Marvel/Toy Biz Worldwide

Item Number: 72016

Problem: Missile tips fit in choke tube; rest of missile is paper and likely would not stop tip from entering airway. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Disney Princess Backpack with Tiara, Wand & Ring

Manufacturer: Disney

Item Number: 855626-500000

Problem: Toy ring fits in choke tube. Has play value for a child under 6. Non-statutory choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Shelly Club Doll Accessories (Shoes, Brush, Bear)

Manufacturer: Mattel

Item Number: 47625

Problem: Shoes, brush, bear fit in choke tube. Has play value for a child under 6. Non-statutory choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Baby Annabell; Baby Annabell Care Set with Sheep Pacifier, Rattle

Manufacturer: Zapf Creation

Item Number: 785849, 785764

Problem: Sheep clip detaches from pacifier and fits in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Triplets (Baby Dolls with Pacifiers)
Manufacturer: Cititoy Inc.
Item Number: 74351

Problem: Pacifiers fit in choke tube. Pacifiers are attached to doll by a few threads; may fail "use and abuse" test. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: All About Baby Hairstyle Central
Manufacturer: Small World Toys
Item Number: 3620129

Problem: Doll's hair accessories fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Kinderland Kimy Bathtime
Manufacturer: Gotz
Item Number: 0344005

Problem: Tips of closet rod pop off easily and fit in choke tube. Small rubber duck almost fits in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Les Cheries Camile Valise Doll
Manufacturer: Corolle
Item Number: 31016-0

Problem: Doll's hair clips fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Air Foam Fling Ball
Manufacturer: Ja-Ru
Item Number: 370

Problem: Balls fail small ball test. Made of hard foam. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Just Like Home Stove with Sounds
Manufacturer: Geoffrey, Inc.
Item Number: 2340
Problem: Salt & pepper shakers detach and fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Soundable Hand Puppet
Manufacturer: Kid Connection/Wal-Mart
Item Number: 19815
Problem: Eyeballs break apart easily and form small parts. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: 26 PC Magnetic Letters & Numbers
Manufacturer: Home Master Quality Products
Item Number: HM-1033
Problem: Many of the letters fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Magnetic Educational Whiteboard
Manufacturer: Unknown
Item Number: 400001807699
Problem: Many letters and numbers fit in choke tube. Made of hard foam with magnetic backing. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Lisa Frank Stationery Sticks
Manufacturer: Lisa Frank
Item Number: P3647
Problem: Stationery set contains small parts that fit in choke tube, including small erasers shaped like butterflies, flowers, etc. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Lisa Frank Tiny Treats Mini Markers
Manufacturer: Lisa Frank
Item Number: P3394
Problem: Mini-marker caps fit in the choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Flashing Star Wand
Manufacturer: Fun Express
Item Number: PPI0404013
Problem: Wand has small parts that fit in choke tube. Has play value for a child under 6. Non-statutory choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Mini Rock 'em Sock 'em Robots Party Favors
Manufacturer: Tara Toy Corp.
Item Number: 55785
Problem: Parts of toy break off easily into small parts that fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Hafen-Seaport Wooden Blocks
Manufacturer: Made in Germany.
Item Number: 31311-3
Problem: Several pieces of this wooden building set fit in choke tube. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Organ Putty
Manufacturer: Unknown
Item Number: 48615-9
Problem: Eyeball fails small ball test. Has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Whistle Bracelet

Manufacturer: Unknown

Item Number: 102063

Problem: Whistle is a small part and can detach from bracelet. Has play value for a child under 6. No choke hazard warning.

- Balloons -



Category: Balloons

Toy Name: 1st Birthday Girl/1st Birthday Boy/Happy 1st Birthday Balloons

Manufacturer: Amscan

Item Number: 111012 (Girl), 111016 (Boy), 117016 & 117017 (Happy 1st)

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. These balloons are intended for use by children under 8 years old.



Category: Balloons

Toy Name: Happy 1st Birthday Balloons

Manufacturer: Pioneer Party Group

Item Number: 71444-92466

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. These balloons are intended for use by children under 8 years old.



Category: Balloons

Toy Name: Assorted latex balloons

Manufacturer: Assorted

Item Number: None

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. These balloons are intended for use by children under 8 years old.



Category: Balloons

Toy Name: Flyin' Screamin' Rocket Balloons

Manufacturer: JA-RU, Inc.

Item Number: 137

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. The toy has the proper balloon warning but also says the product is for children ages 4 & up.



Category: Balloons

Toy Name: Toy Story Punch Ball

Manufacturer: Pioneer National Latex Company

Item Number: 75060-04100

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. The toy has the proper balloon warning but depicts characters (Toy Story) marketed to children under 8.



Category: Balloons

Toy Name: Bob the Builder Balloons

Manufacturer: Unique Industries

Item Number: 17755

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. The toy has the proper balloon warning but depicts characters (Bob the Builder) marketed to children under 8.



Category: Balloons

Toy Name: Balloon Squawkers

Manufacturer: Party City Corp.

Item Number: JS-KP-6016/6

Problem: Contains statutory balloon warning, but also labeled for ages 3+. Children under 8 years can choke or suffocate on uninflated or broken balloons.



Toy Name: Party Parts Professional Balloon Pump

Manufacturer: Target Corp.

Item Number: 053-03-0572

Problem: Labeled for ages 3+. Children under 8 years can choke or suffocate on uninflated or broken balloons.

- Over-labeled Toys -



Category: Overlabeled toys

Toy Name: “Baby I’m Yours” Bean Baby

Manufacturer: Target Corp.

Item Number: 91601

Problem: Labeled with choke hazard warning, but toy does not have small parts. Over-labeling toys dilutes the meaning and effectiveness of the choke hazard warning.

- POTENTIAL STRANGULATION HAZARDS -

Standards:

- Cords and elastics included with or attached to toys intended for children younger than 18 months (excluding pull toys) should be less than 12 inches long. If the cords/elastics can tangle or form a loop, or both, in connection with any part of the toy, including beads or other attachments on the ends of cords/elastics, the perimeter of the loop should be less than 14 inches.

- For pull toys intended for children under 36 months of age, cords and elastics over 12 inches long should not have beads or other attachments that could tangle to form a loop.

Examples of Toys that Pose Potential Strangulation Hazards



Category: Strangulation

Toy Name: Water Yo-Yo Ball/Yo-Yo Meteoric Ball

Manufacturer: Assorted

Item Number: Assorted

Problem: The stretchy cord of the toy can wrap around a child’s neck when the child swings the toy overhead like a lasso.



Category: Strangulation

Toy Name: Bungee-Roos (assorted animals)

Manufacturer: Ganz

Item Number: Assorted

Problem: Cord is more than 12 inches long and contains a toggle on the end, posing a strangulation hazard. Has play value for children under 3.

- DANGEROUSLY LOUD TOYS -

Standards:

In November 2003, American Society for Testing and Materials (ASTM) finalized acoustics standards for toys that include the following:

- Hand-held, table-top, floor, and crib toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 90 dB when measured from a distance of 25 centimeters.
- Close-to-the-ear toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 70 dB when measured from a distance of 25 centimeters.
- All toys with impact-type impulsive sounds: Toys shall not produce an impact-type peak sound pressure level in excess of 120 dB when measured from a distance of 25 centimeters. This requirement also applies to all recorded impulsive sounds, such as those produced by video games, regardless of what was recorded (explosion or impact).
- All toys with explosive-type impulsive sounds except percussion caps: Toys shall not produce an explosive-type peak sound pressure level in excess of 138 dB when measured from a distance of 25 centimeters.

Examples of Dangerously Loud Toys



Category: Excessively loud toys
Toy Name: Learn Through Music
Manufacturer: Fisher-Price
Item Number: B8729/89452 Asst.
Maximum Decibel Measurement:
25 cm: 92
10 cm: 102
1 cm: 110

Problem: Should not exceed 90 dB from 25 cm. Child would likely play with this toy at a closer distance than 25 cm, in order to participate in the interactive aspects of the toy on a small screen. Prolonged exposure to noise above 85 decibels can cause hearing loss.



Category: Excessively loud toys
Toy Name: Barbie Princess Musical CD Boombox
Manufacturer: KIDdesigns, Inc.
Item Number: BP-160
Maximum Decibel Measurement (at full volume):
25 cm: 95
10 cm: 101
1 cm: 111

Problem: Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss. Even when at half volume, toy measures up to 91 dB at 25 cm.



Category: Excessively loud toys
Toy Name: Radical Rhythms Guitar
Manufacturer: EZTEC Scientific Toys
Item Number: 80281
Maximum Decibel Measurement:
25 cm: 92
10 cm: 99
1 cm: 111

Problem: Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss.



Category: Excessively loud toys
Toy Name: Power Gear Star Blaster Set
Manufacturer: SRM International
Item Number: 29010
Maximum Decibel Measurement:
25 cm: 92
10 cm: 95
1 cm: 98

Problem: Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss.



Category: Excessively loud toys
Toy Name: Power Gear Assault Machine
Manufacturer: SRM International
Item Number: 2110
Maximum Decibel Measurement:
25 cm: 98
10 cm: 104
1 cm: 108

Problem: Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss.



Category: Excessively loud toys
Toy Name: Elite Operations M-1 Tank
Manufacturer: Geoffrey Inc.
Item Number: 34218
Maximum Decibel Measurement:
25 cm: 90
10 cm: 97
1 cm: 102

Problem: Should not exceed 90 dB when measured at 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss.

- POTENTIALLY TOXIC TOYS -

Standards

- Toys or materials used in toys must conform to the Federal Hazardous Substances Act.
- Play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetics Act.
- CPSC has issued guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals. This guidance states that in order to reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, manufacturers to eliminate the use of such chemicals in children's products.

Examples of Potentially Toxic Toys



Category: Contains potentially toxic chemicals
Toy Name: 3D Spinning Nail Polish Caddy
Manufacturer: Pecoware
Item Number: 88125-0
Problem: Nail polish contains dibutyl phthalate.



Category: Contains potentially toxic chemicals
Toy Name: Hilary Duff Twinkle Toes Pedicure Set
Manufacturer: Townley Cosmetics
Item Number: 21434
Problem: Nail polish contains xylene.



Category: Contains potentially toxic chemicals
Toy Name: Princess Pouch Makeup Kit
Manufacturer: CBI Distributing
Item Number: 71551-6
Problem: Nail polish contains xylene.



Category: Contains potentially toxic chemicals
Toy Name: Claire's Club Hair & Makeup Kit with Beaded Handle
Manufacturer: CBI Distributing
Item Number: 51002-4
Problem: Nail polish contains dibutyl phthalate.



Category: Contains potentially toxic chemicals
Toy Name: Claire's Cosmetics Nail Polish
Manufacturer: CBI Distributing
Item Number: 39978-2 (and other assorted colors)
Problem: Nail polish contains dibutyl phthalate.



Category: Contains potentially toxic chemicals
Toy Name: Hello Kitty Star Glitter Nail Polish
Manufacturer: Sanrio
Item Number: 39937-14893
Problem: Nail polish contains dibutyl phthalate.



Category: Contains potentially toxic chemicals
Toy Name: Hello Kitty Makeup Collection Nail Color
Manufacturer: Sanrio
Item Number: 60032-6 and other assorted colors
Problem: Nail polish contains xylene.



Category: Contains potentially toxic chemicals
Toy Name: Hello Kitty Nail Polish
Manufacturer: Sanrio
Item Number: 29756-9 and other assorted colors
Problem: Nail polish contains dibutyl phthalate.



Category: Contains potentially toxic chemicals
Toy Name: Hugs & Kisses Nail Polish
Manufacturer: Girl 2 Girl
Item Number: 89444
Problem: Nail polish contains xylene.



Category: Contains potentially toxic chemicals
Toy Name: Two Sisters Nail Polish
Manufacturer: Royal Items, Inc.
Item Number: 13153-02506
Problem: Nail polish contains xylene.



Category: Contains potentially toxic chemicals
Toy Name: Plastic Basketball
Manufacturer: Baby N' Things; Distributed by Greenbrier International
Item Number: 839803
Problem: Tested by Empire State Consumer Association; contains 27% phthalates by weight.



Category: Contains potentially toxic chemicals
Product Name: FIMO Modeling Material
Manufacturer: EberhardFaber
Item Number: Assorted
Problem: Contains high concentrations of phthalates.



Category: Contains potentially toxic chemicals
Product Name: Sculpey Oven-Bake Clay
Manufacturer: PolyForm Products
Item Number: Assorted
Problem: Contains high concentrations of phthalates.

Attachment B. Toy-Related Deaths, 1990-2003

Toy-Related Deaths (Children Under 15): 1990-2003

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
Choking Deaths															
Balloons	6	3	6	6	6	8	7	6	4	4	1	4	3	3	67
Balls	2	2	3	6	4	2	0	3	1	4	2	1	2	5	37
Marbles	0	2	1	0	0	1	0	0	0	0	1	0	0	0	5
Toy Or Toy Part	6	6	1	4	3	1	3	2	3	1	2	4	3	2	41
Total	14	13	11	16	13	12	10	11	8	9	6	9	8	10	150
Riding Toys, Scooters															
Total	4	8	4	5	4	6	2	0	4	4	8	13	5	0	67
Toy Chests															
Total	4	2	2	1	0	0	0	1	0	1	1	1	0	0	13
Strangulation															
Total	1	1	3	2	0	1	1	0	0	0	0	1	0	0	10
Other															
Total	0	1	2	1	1	2	0	1	2	2	2	1	0	1	16
TOTAL TOY DEATHS	23	25	22	25	18	21	13	13	14	16	17	25	13	11	256
% BY CHOKING	61%	52%	50%	64%	72%	57%	77%	85%	57%	56%	35%	36%	62%	91%	59%

Attachment C. PIRG's 2004 Survey of Online Toy Retailers

Company Name	Web Address	# of toys examined	1. Search by age?	2. If yes, access to inappropriate toys?	3. Choke hazard warning?	4. Warning on same page?	5. Statutory warning?	6. Manufacturer's recommendation?
Amok Time Toys	www.amoktime.com	3	No	n/a	0/3	n/a	n/a	0/3
Are You Game	www.areyougame.com	5	Yes	No	5/5	yes	No (right language, no symbol)	5/5
Arh Toys	www.arhtoy.com	5	No	n/a	5/5	yes	No (right language, no symbol)	5/5
Big Bad Toy Store	www.bigbadtoy.com	5	No	n/a	0/5	n/a	n/a	0/5
Boardgames.com, Inc.	www.boardgames.com	5	No	n/a	2/5	yes	No (right language, no symbol)	5/5
Discovery Channel Store	http://shopping.discovery.com/	4	Yes	Yes (lumps all under 4 together)	4/4	yes	No	4/4
Disney Store	www.disney.com	4	No	n/a	0/4	n/a	n/a	3/4
Dmart Express	www.dmartexpress.com	5	No	n/a	0/5	n/a	n/a	1/5
ebay	www.ebay.com	4	No	n/a	0/4	n/a	n/a	0/4
etoyz	www.etoyz.com	5	Yes	No	5/5	no	Yes	5/5
FUNimation Store	www.dbzstore.com	5	No	n/a	1/5	yes	No	1/5
HobbyTron	www.Hobbytron.com	3	No	n/a	0/3	n/a	n/a	0/3
Imagine the Challenge	www.imagine.com	4	Yes	No	0/4	n/a	n/a	4/4
IQ Kids	http://www.iqkids.net/	5	Yes	No	0/5	n/a	n/a	5/5
JCPenney	www.jcpenney.com	5	Yes	No	0/5	n/a	n/a	5/5
Kazoo Toys	www.kazootoys.com	5	Yes	No	0/5	n/a	n/a	5/5
KB Toys	www.kbitoy.com	5	Yes	No	5/5	no	Yes	5/5
La Toys	www.latoy.com	5	No	n/a	0/5	n/a	n/a	4/5
Lego	www.lego.com	5	Yes	No	5/5	no	Yes	5/5
Mastermind Toys	www.mastermindtoys.com	5	Yes	No	0/5	n/a	n/a	5/5
MyToyBox, LLC	www.mytoybox.com	3	No	n/a	0/3	n/a	n/a	3/3
Once Upon a Time Toys	www.onceatoy.com	4	Yes	No	4/4	yes	No (right language, no symbol)	4/4
Oriental Trading Company	www.orientaltrading.com	4	No	n/a	0/4	n/a	n/a	0/4
Sears	www.sears.com	5	No	n/a	2/5	yes	Yes	5/5
Silly Goose	www.usillygoose.com	5	Yes	Yes	0/5	n/a	n/a	5/5
Target	www.target.com	5	Yes	Yes (recommends "related" items)	0/5	n/a	n/a	5/5
Things From Another World	www.tfaw.com	4	No	n/a	0/4	n/a	n/a	4/4
Toy Bliss	www.toybliss.com	5	Yes	No	0/5	n/a	n/a	4/5
Toy Connection	www.toyconnection.com	5	No	n/a	0/5	n/a	n/a	0/5

Company Name	Web Address	# of toys examined	1. Search by age?	2. If yes, access to inappropriate toys?	3. Choke hazard warning?	4. Warning on same page?	5. Statutory warning?	6. Manufacturer's age recommendation?
Toy Magnets	www.tovmagnets.com	4	Yes	Yes	2/4	yes	No	4/4
Toy Wiz	www.tovwiz.com	4	No	n/a	0/4	n/a	n/a	0/4
Toys 2 Wish 4	www.tovs2wish4.com	5	Yes	No	0/5	n/a	n/a	5/5
Toys Camp	www.tovscamp.com	4	Yes	Yes	0/4	n/a	n/a	4/4
Toys N Joys	www.tovsnjoys.com	2	No	n/a	0/2	n/a	n/a	0/2
Toys R Us	www.tovsrus.com (via amazon.com)	5	Yes	No	0/5	n/a	n/a	5/5
Vstore	www.vstore.com/vstoretoys/entirelvtoys	4	Yes	No	0/4	n/a	n/a	0/4
Walmart	www.walmart.com	5	Yes	No	1/5	Yes	No	5/5

Questions asked:

1. Can you search for toys by age group at the website?
2. If yes to #1, for the 3 and under age group, can you access toys that are intended for children over 3?
3. For each toy surveyed on the website, does the toy listing include a choke hazard warning? (We only looked at toys that have small parts and require the choke hazard warning on their packaging.)
4. If yes to #3, is the warning on the same page (i.e., you don't have to click on a special link to see it)?
5. If yes to #3, is it the statutory warning?
6. For each toy surveyed on the website, does the toy listing include the manufacturer's age recommendation?

End Notes

¹ Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2003." Dated September 27, 2004.

² CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.

³ "Safety Alert: Be Aware of the Yo-Yo Ball." *Consumer Reports*. December 2003. Available at http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt_id=356529&FOLDER%3C%3Efolder_id=295617&bmUID=1067459247966.

⁴ Data compiled by Lisa Lipin, <http://www.dangersofwateryoyos.com/id13.html>, from Incident Reports received by the Consumer Product Safety Commission.

⁵ For numerous personal testimonials about injuries caused by yo-yo water balls, see www.dangersofwateryoyos.com, a site maintained by Lisa Lipin and Tina Schreffler, two mothers working to ban water yo-yos.

⁶ CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.

⁷ CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.

⁸ New York Consumer Protection Board press release, April 10, 2003. Available at http://www.consumer.state.ny.us/pdf/yo_%20yo_%20waterball%20_release.pdf.

⁹ Massachusetts Office of Consumer Affairs press release, June 11, 2003.

¹⁰ Consumer Product Safety Bureau press release, October 2, 2003. Available at http://www.hc-sc.gc.ca/hecs-sesc/cps/yoyo_ball_prohibition.htm.

¹¹ UK Department of Trade and Industry press release, April 24, 2003. See also Australia Office of Consumer and Business Affairs press release, May 22, 2003. Available at http://www.ocba.sa.gov.au/pdf/yoyo_ballban.pdf.

¹² Massachusetts Office of Consumer Affairs press release, June 11, 2003.

¹³ "Safety Alert: Be Aware of the Yo-Yo Ball." *Consumer Reports*. December 2003. Available at http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt_id=356529&FOLDER%3C%3Efolder_id=295617&bmUID=1067459247966.

¹⁴ CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.

¹⁵ ASTM F963, Section 4.13.1

¹⁶ ASTM F963, Section 4.13.2

¹⁷ "Stuffed Toy Mobiles Recalled," 21 November 1979, <http://www.cpsc.gov/cpscpub/prerel/prhtml79/79065.html>; "Stuffed Animal Mobiles Recalled Because of Strangulation Hazard – Recent Death Cited," 10 September 1987, <http://63.74.109.9/cpscpub/prerel/prhtml87/87048.html> or <http://www.recall-warnings.com/cpsc-content-87-87048.html>.

¹⁸ ASTM F963 (96a), Section 5.11.

¹⁹ Karen A. Bilich, "Protect Your Child's Hearing," *American Baby*, August 9, 2001.

²⁰ Karen A. Bilich, "Protect Your Child's Hearing," *American Baby*, August 9, 2001.

²¹ Niskar AS, Kieszak SM, Holmes A, Esteban E, Rubin C, Brody DJ, et al. Prevalence of hearing loss among children 6 to 19 years of age. The Third National Health and Nutrition Examination Survey. *JAMA* 1998; 279: 1071-1075.

²² OSHA Noise Exposure Standard, 39 FR 23502 (as amended) section 19010.95

²³ See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 11, 2004; also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, at <http://www.nidcd.nih.gov/health/wise/index.asp>.

²⁴ ASTM F963 4.5.

²⁵ League for the Hard of Hearing, fact sheet, available at <http://www.lhh.org/noise/children/toys.htm>.

²⁶ ASTM F963, Section 4.5.

²⁷ ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).

²⁸ ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).

²⁹ Analysis based on a conversation with Rachel Weintraub, Assistant General Counsel at the Consumer Federation of America, October 29, 2003. Ms. Weintraub sat on the ASTM committee drafting the new acoustics standard.

³⁰ ASTM F963, Section 4.3.1.

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- ³¹ 15 U.S.C. 1261(f)(1)
- ³² ASTM F963, Section 4.3.4.
- ³³ 16 CFR 1500.231.
- ³⁴ Joseph Di Gangi, Ph.D. *Warning: Children at Risk, Toxic Chemicals Found in Vinyl Children's Products*. Greenpeace USA, November 1998.
- ³⁵ Report to the U.S. Consumer Product Safety Commission by the Chronic hazard Advisory Panel on Diisononyl Phthalate, June 2001. Available at <http://www.cpsc.gov/LIBRARY/FOIA/Foia01/os/dinp.pdf>.
- ³⁶ Report to the U.S. Consumer Product Safety Commission by the Chronic hazard Advisory Panel on Diisononyl Phthalate, June 2001. Available at <http://www.cpsc.gov/LIBRARY/FOIA/Foia01/os/dinp.pdf>.
- ³⁷ "Ministers agree wide-ranging EU phthalate ban," *ENDs Environment Daily*, Issue 1733, September 24, 2004.
- ³⁸ *The Availability of Substitutes for Soft PVC Containing Phthalates in Certain Toys and Childcare Articles*. Prepared for the European Commission Directorate-General Enterprise by Risk & Policy Analysis Limited and Research Institute for Toxicology (The Netherlands), July 2000.
- ³⁹ VPIRG, *Hidden Hazards: Health Impacts of Toxins in Polymer Clays*, July 2002. Available at <http://www.vpirg.org/downloads/HiddenHazards.pdf>. All findings in this section reference this report.
- ⁴⁰ 16 CFR 1500.231.
- ⁴¹ ATSDR, <http://www.atsdr.cdc.gov/tfacts71.html>, accessed November 11, 2004.
- ⁴² ATSDR, <http://www.atsdr.cdc.gov/toxprofiles/phs135.html>, accessed November 11, 2004.
- ⁴³ U.S. EPA, Technology Transfer Network Air Toxics Website, <http://www.epa.gov/ttn/atw/hlthef/di-n-but.html>, accessed October 29, 2003.
- ⁴⁴ ASTM F963, Section 4.20.
- ⁴⁵ ASTM F963, Section 4.20.1.1.
- ⁴⁶ ASTM F963, Section 4.20.1.2.
- ⁴⁷ ASTM F963, Section 4.20.1.4.
- ⁴⁸ Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2003," dated September 27, 2004; Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2002," dated October 10, 2003; Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2001," dated October 23, 2002.
- ⁴⁹ Jeanne Wright, "Small pocket bikes, big dangers," *Los Angeles Times*, September 8, 2004.
- ⁵⁰ CPSC press release, "New CPSC Burn Center Reporting System Provides First Year of Data: Clothing-Related Burns often Involve Gasoline." Dated October 25, 2004.
- ⁵¹ "CR Investigates: Hazard in Aisle 5," *Consumer Reports*, November 2004, Vol. 69, No. 11: p.12