

You should also review Section 14 of the Federal Hazardous Substances Act before preparing your plan. Please direct your written response and any questions to Steven Garitta, Compliance Officer (212) 264-1124.

Sincerely,



Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures

CC: Mr. Jeffrey Locker; Locker Greenberg & Brainin;
One Penn Plaza; New York, N.Y. 10119

134



FOR OFFICIAL USE ONLY

EF

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

DEC 9 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce Pearl, President
Tara Toy Corp.
40 Adams Avenue
Hauppauge, N. Y. 11788

Re: Case No. 928033

Dear Mr. Pearl:

On September 27, 1991 Investigator Alvin Furer of our office collected samples of your firm's "Push Power Sesame Street" toys, which were imported by Shepher Distributing & Sales Corp., 2300 Linden Boulevard, Brooklyn, N. Y. 11208. The individual items Big Bird (M-800-9306), Ernie (M-800-9307) and the Cookie Monster (M-800-9308) listed your firm's name (Tara Toy Corp.) as the distributor.

During a November 4, 1991 inspection of your firm Investigator Beverly Kohen was informed that Tara would assume responsibility for any products bearing its label regardless of the actual importer.

We have completed our analysis. Enclosed are copies of our laboratory findings, the Federal Hazardous Substances Act (FHSA), its regulations and our letters to Shepher Distributing and Sales Corp. dated October 8 and December 2, 1991.

Our laboratory analysis of these samples revealed that components separated when subjected to the use and abuse testing specified in section 16 CFR 1500.51 and .52 of the FHSA regulations. These parts fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. This finding cause the above listed toys to be banned hazardous substances as defined by Section 2(q) of the FHSA. The distribution of a banned hazardous substance is prohibited by Section 4 of the FHSA.

We request that you immediately cease the distribution of the above listed toys, and take corrective action regarding the products previously distributed by your firm and by firms that you represent. These toys present a choking, aspiration, or ingestion hazard because the components and they are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products, which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

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

135


In this case, we request that you:

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

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

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

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



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

Our fact sheet on confidentiality is attached for your information.

Please advise us of your plans for recall and disposition of these items.

If you plan to export any products that are "misbranded hazardous substances" or "banned hazardous substances" as the terms are defined by the FHSA (15 U.S.C. 1261 et seq.) you must notify the Commission at least 30 days in advance, furnishing the specific information in accordance with 16 CFR 1019.4 (copy enclosed). This notice is a requirement of Section 14 (d) of the FHSA (15 U.S.C. 1273 (d)). The failure to provide such a notice is a prohibited act under Section 4 (i) of the FHSA, (15 U.S.C. Section 1263 (i)) and subject to the penalties described in Section 5 of the FHSA (15 U.S.C. 1264). It should be emphasized that although the notice requirements of Section 14(d) of the FHSA may be met, exportation of your products can still take place only if CPSC exercises its discretion not to prevent their export. 16 CFR Part 1010, Statement of Policy and Interpretation Concerning Exportation of Noncomplying, Misbranded, or Banned Products, (copy enclosed, provides the Commission policy regarding exportation of such products.

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

137

- 4 -

Please direct your written response and any questions to
Martin B. Bennett, Compliance Officer (212) 264-3920.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Swackhamer", with a long horizontal flourish extending to the right.

Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures

134



U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

Ms. Carolyn Z. Slovis, Esq.
Locker, Greenberg & Brainin, P. C.
One Penn Plaza
New York, N. Y. 10119

DEC 2 1991

Re: Cases # 92B007

Dear Ms. Slovis:

Thank you for your letter of October 31, 1991 regarding Push Power Sesame Street Toys (M-800-9306/8) imported by your client, Shepher Distributors and Sales Corp., Brooklyn, N. Y. 11208.

Our letter of October 18, 1991 informed Shepher that these toys are banned hazardous substances, because components, which are small parts separated during use and abuse testing. See section 16 CFR 1501 of the Federal Hazardous Substances Act (FHSA) regulations.

Our laboratory had subjected these items to the use and abuse impact test listed in section 16 CFR 1500.51 of the FHSA regulations, which applies to toys intended for use by children 18 months of age or less.

You contended that these toys were labeled for and are intended for use by children over three years old and that they should have been tested under the use and abuse tests listed for children over 18 months but not over 36 months as specified in section 16 CFR 1500.52 of the FHSA regulations.

— These toys bear inappropriate and inconspicuous age labeling on the green margin of one of the two principal display panels - i. e. "FOR AGES 3 AND UP." However, we consider them to be intended for use by children under three, and thus, subject to the small parts regulations. Based upon the inappropriate labeling, our laboratory correctly tested the toys to the most stringent impact test - that is from a height of 4 1/2 feet.

By way of explanation "If an article is not age - labeled in a clear and conspicuous manner or, based on such factors ... is inappropriately age - labeled, and is intended or appropriate for children 96 months of age or less, it will also be subjected to the most stringent test requirements" as listed above and in 16 CFR 1500.50(b)(1)(ii).

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

135

The Commission staff applies the following regulations in this matter:

1. "Test methods for simulating use and abuse of toys and other articles intended for use by children " 16CFR1500.50(b)(1)(ii),
2. "Test methods for simulating use and abuse of toys and other articles intended for use by children 18 months of age or less" regarding impact tests --16 CFR 1500.51, and
3. "Test methods for simulating use and abuse of toys and other articles intended for use by children over 18 but not over 36 months of age" regarding torque and tension tests - 16 CFR 1500.52.

The same information and explanation is also provided on page 9 of the current, March 1991 "Engineering Test Manual, Requirements for Toys and Other Articles intended of for use by Children Under 8 Years of Age."

I await your response regarding the disposition of the imported goods.

Should you have any questions, feel free to call me on (212) 264-3920.

Sincerely,



Martin B. Bennett
Compliance Officer

140



FOR OFFICIAL USE ONLY

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

OCT 8 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Sidney Monchik, President
Shepher Distributing & Sales Corp.
2300 Linden Boulevard
Brooklyn, N. Y. 11208

Re: Case No. 92B008⁷

Dear Mr. Monchik:

On September 27, 1991 Investigator Alvin Furer of our office collected samples of Tara "Push Power Sesame Street" toys your firm imported under entry #164-0027761-8. The individual items were the Big Bird (M-800-9306), Ernie (M-800-9307) and the Cookie Monster (M-800-9308).

We have completed our analyses. Copies of our laboratory findings, the Federal Hazardous Substances Act (FHSA) and its regulations are enclosed.

Our laboratory analysis of these samples revealed that components separated when subjected to the use and abuse testing specified in sections 16 CFR 1500.51 and 52 of the FHSA regulations. These parts fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. This finding cause these Tara Push Power toys (and any similar items intended for children under three) to be banned hazardous substances as defined by Section 2(q) of the FHSA. The distribution of a banned hazardous substance is prohibited by Section 4 of the Act.

We request that you immediately cease the distribution of these Tara Sesame Street toys and any items with similar small parts, and take corrective action regarding the products previously distributed. These toy present a choking, aspiration, or ingestion hazard because the components separate and they are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products, which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

In this case, we request that you:

- o Stop sale of the and any similar toys.
- o Provide notification to distributors and retailers informing them of the problem, requesting them to stop sale, and recall.

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

141

- o Provide point of purchase posters to retail customers and request that they be displayed for not less than 120 days at the retail outlets.
- o Issue public notice in the form of a joint press release.

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

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

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

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

142*

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

You are requested to respond in writing within ten (10) days of the receipt of this letter outlining your firm's proposed course of corrective action. Please direct your written response and any questions to Martin B. Bennett, Compliance Officer (212) 264-3920.

Sincerely,



Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures

147

EF

U.S. Government
MEMORANDUM

U.S. Consumer Product
Safety Commission
Washington, D.C. 20207

Date: May 1, 1997

TO : FOER and FOER, **FOUR**

INFO : Pat Fairall

FROM : Richard D. Swackhamer, ~~Regional~~ Director, FOER

SUBJECT: Recall # ^P 800-1000

Recalled Product: Sesame Street Nursery Set,
Style #71700 (Ernie, duck, swing, and
bath tub set)

Recalling Firm: Tara Toys
40 Adams Ave.
Hauppauge, NY 11788

Manufacturer: Hona International
Hona Corp.

Contact: Beverly J. Kohnen 800-212-64-2195

INITIAL REPORT OF RECALL AND REQUEST FOR EFFECTIVENESS CHECKS:

1. Reason for Recall:

On November 25, 1991, sample #P-800-1000 was collected from one of the firm's consignees as a follow-up to FIRG's "Bad Toy" list.

When subjected to Use and Abuse Testing as outlined in 16 CFR 1500.52, a component separated from the toy. This component, consisting of the facuet on the bath tub, fit entirely inside the small parts tester as described in 16CFR 1501.4.

2. Type of Program:

Voluntary

3. Identifying Product Data:

The toy consisted of a Sesame Street "Ernie" character, and a blue plastic bath tub with facets, a yellow and red swing, and a duck. It is packaged in a blister pack reading in part, *****SESAME STREET NURSERY SET*** No. 71700*** FOR AGES 3 AND UP***TARA TOY CORP., HAUPPAUGE NY 11788*** MADE IN CHINA***.**

149

There are two other Sesame Street Nursery Sets with the same items numbers, the one with Big Bird, a teddy bear, stroller, and a rocking horse is under a retail level recall (recall #F-800-1013) and the third set is not being recalled.

4. CORRECTIVE ACTION PLAN:

On December 16, 1991, the firm mailed six Notice of Inspection and Point-of-Purchase posters. Each consignee has been asked to stop sales of the item, and return its unsold stock and consumer returns. They have also been asked to contact their retailers requesting that they conduct a consumer level recall.

5. Injuries, Deaths, Safety Related Complaints, Legal Actions:

This toy appeared on PIRG's "Bad Toys List" which came out in November, 1991.

6. Number of Products Involved:

From February 1991, to September, 1991, the firm imported and sold approximately 12,000 pieces of the toy. It does not have any stock in stock.

7. Distribution:

The firm imported and sold the toy from February, 1991, to September, 1991. Its six consignees are located nationwide and are chain store retailers.

8. Estimated Life in Consumer Hands:

The toy should last for several years.

9. When and How Firm Learned of Problem:

The firm learned of the problem when it received our LOA dated December 4, 1991.

10. When and How CPSC Learned of Problems:

The CPSC learned of the problem when the PIRG "Bad Toy" list came out in November, 1991. The CPSC collected a sample of the toy on November 25, 1991.

11. Samples:

F-800-1000

145

12. Firm's Plan For Disposition of Returned Products:

The firm has no stock to dispose of, and will destroy any returns it receives.

13. CPSC Plan For Monitoring and Request For Effectiveness Checks:

Conduct effectiveness checks at the following locations and conduct 2 Sub-recall effectiveness checks as well.

FOER

1. McInoy Stores
E. Market St.
New York, PA 17402-0121

FOCR

2. Consolidated Stores
300 Phillipi Rd.
Columbus, Oh 43228

FOWR

1. Target Street Retail Stores
7757 Huntwood Ave.
Newport, CA 94584

NOTE: These checks should be conducted at the same time as the recall under recall #RP-800-1010.

146

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

IMPORTANT SAFETY NOTICE

December 16, 1991

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

Dear Store Manager:

In cooperation with the U. S. Consumer Product Safety Commission (CPSC), we are voluntarily recalling the above-identified product. The CPSC has determined that this product is capable for use by children under three years of age and components on the bath tub may separate under use and abuse testing, thereby exposing a part which may be small enough to present a potential choking hazard to young children under the age of three.

If you have any of these products in stock, please stop selling them immediately.

This recall is being conducted in cooperation with the CPSC, which will be monitoring the results. Please cooperate with us by prominently displaying the "Notice of Recall" posters for at least 120 days and by completing and mailing the attached form.

Thank you for your cooperation in this matter.

Very truly yours,

TARA TOY CORPORATION

TARASES.REC

147

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

RECALL OF SESAME STREET NURSERY SET
STYLE #71700 - SET CONTAINS
ERNIE FINGER PUPPET, DUCK, SWING AND BATH TUB



RECALL OF THE TOY SET PICTURED ABOVE IS BEING CONDUCTED BY TARA TOY CORP. THE U. S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC) HAS DETERMINED THAT THIS PRODUCT IS INTENDED FOR CHILDREN UNDER THE AGE OF THREE AND, AS SUCH, A COMPONENT OF THE BATH TUB ACCESSORY OF THE TOY MAY SEPARATE UNDER USE AND ABUSE TESTING, THEREBY EXPOSING A PART WHICH MAY BE SMALL ENOUGH TO PRESENT A POTENTIAL CHOKING HAZARD TO YOUNG CHILDREN.

CONSUMERS ARE REQUESTED TO RETURN THE TOY TO THE STORE WHERE PURCHASED FOR A FULL REFUND.

THIS RECALL IS BEING CONDUCTED IN COOPERATION WITH THE CPSC.

TARASES.REC

148

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

**SESAME STREET NURSERY SET
STYLE NO. 71700 - SET CONTAINS
ERNIE FINGER PUPPET, DUCK, SWING AND BATH TUB**

Please fill out this form and return same to the above central office address.

We have received your recall notice and will be posting such recall poster in our store for 120 days.

We currently have _____ products in inventory.

We have no products in inventory.

Store Manager

TARASES.REC

149

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E920592
Beverly Lake
Miller
M/10

FIRM: Tara Toys
40 Adams Ave
Hempstead, N.Y. 11788

Represented by: Carolyn Stovis
Locker, Greenberg + Brainin
1 Penn Plaza
New York, NY 10119

TO : FOER OPERATIONS

REQUEST DATE 1/9/92

FROM : FOER COMPLIANCE
(Bennett Garitta Moro)

DATE ASSIGNED _____

MIS 33690

GROUP _____
N# _____

SUBJECT: FIELD ACTIVITY REQUEST

SECTION 15 MEETING _____

(a) Section 15 Case # _____

ASSIGNMENT DUE 2/15

(b) Regulated Product Case # 926035

(c) Surveillance _____

(d) Other _____

BACKGROUND: The firm, through its legal representatives, Carolyn Stovis and Jeffrey Locker of Locker, Greenberg + Brainin have agreed to a common level recall of one of three models of Tara's Sesame Street Nursery Set, Model 71700 (Contains Ernie, finger puppet, bath tub, duck and swing)

REQUEST: The Sesame Street Nursery Set, Model 71700 with Big Bird is the subject of a separate FOER request for a partial store level recall (NO consumer notification) which will be addressed in a future assignment. The 3rd variety, Sesame Street Nursery Set, Model 71700 with Cookie Monster, is the subject of a stop sale request.

~~RECOMMENDATION:~~
This consumer level recall involves only the variety which includes Ernie, Finger Puppet, bath tub, duck & swing. all 3 varieties have the same Model No. 71700. The attached distribution figures should be divided by 3 for quantities representing one of the models.

Request: Initiate and Monitor Recall

- Attachments 1- Press Release
2- Recall Notification Letter
3- Inventory Form
4- Store Release Poster
- - - - -

6-LOA of 12/4/91
50

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

<u>CUSTOMER NAME AND ADDRESS</u>	<u>DIST. DATE</u>	<u>QUANTITY</u>
LONG ISLAND CONSORTIUM 721 BROADWAY AVENUE HOLBROOK, NY 11741	09/09/91	1,800 PCS.
MC CRORY STORES, INC. 2955 E. MARKET STREET P.O. BOX 3128 YORK, PA 17402-0128	02/08/91 07/04/91 08/30/91	7,668 PCS. 720 PCS. 1,152 PCS.
CONSOLIDATED STORES 300 PHILLIPI ROAD COLUMBUS, OH 43228	05/04/91	12,960 PCS.
SESAME ST. RETAIL STORES 30587 HUNTWOOD AVE. HAYWARD, CA 94544	06/07/91	2,376 PCS.
SHEPHER DIST. & SALES CORP. 2300 LINDEN BLVD. BROOKLYN, NY 11208	02/05/91	720 PCS.
F.W. WOOLWORTH CO. P.O. BOX 1545 MILWAUKEE, WI	02/28/91	8,712 PCS.

151



CP

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

HAND DELIVERY

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

DEC 4 1991

Re: "Sesame St. Nursery Set"
Model 71700
Sample No. P-800-1006
Case No. 92G035

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

Dear Mr. Pearl

During an inspectional visit to Woolworth's located at 120 West 34th Street., New York, New York on November 25, 1991 a sample was collected of the above toy by Investigator Beverly Kohen of our staff.

Laboratory analysis of this sample revealed that components separated from several of the units tested when they were subjected to the tention test portion of the use and abuse tests as outlined in 16 CFR 1500.52(f) regulation under The Federal Hazardouse Substance Act(FHSA).

These components fit entirely inside the small parts cylinder as described in 16 CFR 1501.4 (FHSA)

These findings cause your firm's "Sesame Street Nursery Set", Model 71700 to be in violation of the small parts requirements under 16 CFR 1501.4, regulation of The Hazardous Substances Act.

This product is therefore determined to be a **banned hazardous substance** as described in Section 2(q) of The Federal Hazardous Substances Act.

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

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

152

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

In addition the duck component of this toy may also present a choking hazard although it was not subjected to use and abuse testing during completion of our enclosed laboratory results.

In this case we request that your firm take the following specific actions:

1. Stop sale of the product.
2. Provide notification to distributors and retailers informing them of the problem, requesting them to stop sale and recall.
3. Provide point of purchase posters to retail consignees and request that they be displayed for a period of not less than 120 days at the retail outlets where the toy was purchased.
4. Issue public notice in the form of a press release to be issued jointly with the Commission

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

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

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

153

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

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

Our fact sheet on confidentiality is attached for your information.

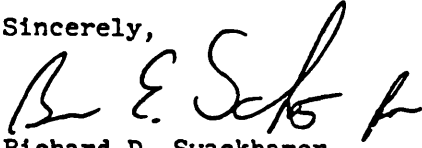
Please advise us of your plans for disposition of these items within three days of receipt of this letter.

Your response should address the measures you propose to take in bringing the subject merchandise into compliance with the law, correction of violative products in your possession already in domestic commerce, the expected timetable for correction of any future production of these, and your intentions regarding recall, repurchase, replacement or repair of the goods already sold.

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

You should also review Section 14 of the Federal Hazardous Substances Act before preparing your plan. Please direct your written response and any questions to Steven Garitta, Compliance Officer (212) 264-1124.

Sincerely,


Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures
FOER:SG:RDS:sg

154

BURROUGHS DEN 3388

NEWS from CPSC
U. S. CONSUMER PRODUCT SAFETY COMMISSION

FOR RELEASE: TUESDAY, DECEMBER 24, 1991

RELEASE #92-36

TARA TOY CORPORATION RECALLS

SESAME STREET NURSERY SET

WASHINGTON, DC -- In cooperation with the U.S. Consumer Product Safety Commission (CPSC), Tara Toy Corporation of Hauppauge, NY is voluntarily recalling approximately 12,000 units of the "Sesame Street Nursery Set," style number 71700. When the CPSC tested the toy in accordance with the small parts requirements under the Federal Hazardous Substances Act, it was found that the faucet and handle of the bath tub portion of the nursery set separate during tension testing, thereby creating small parts which may pose a potential choking hazard for young children.

The Sesame Street Nursery Set consists of an Ernie finger puppet with a small orange and yellow rubber duck, an orange and yellow swing set, and a blue bath tub on feet with a white faucet and white handles. There are other nursery sets with style #71700, but this recall is limited to the nursery set containing the bath tub.

These sets were sold nationwide from February 1991 to September 1991. Each set sold for approximately \$4.00 each.

---MORE---

(tara toys)

-2-

The package read in part: "Nursery Set Finger Puppets with Accessories, Made in China, F.W. Woolworth Co., New York, NY."

Neither the CPSC nor the company is aware of any injuries involving this product. This voluntary recall is being conducted to prevent the possibility of injury.

These potentially hazardous nursery sets were identified by the Kentucky Cabinet for Human Resources and the U.S. Public Interest Research Group (USPIRG). The nursery set was included on a list of potentially hazardous toys published by USPIRG.

Consumers are urged to take the nursery sets which contain the bath tub accessory away from children immediately and return them to the store where purchased for a refund of the purchase price. Consumer with questions about this recall may contact Tara Toy Corporation at (516) 273-8810.

The U.S. Consumer Product Safety Commission is announcing this recall as part of its mission to protect the public from unreasonable risks of injury and death associated with consumer products. The Commission's objective is to reduce the estimated 28.5 million injuries and 21,600 deaths associated each year with the 15,000 different types of consumer products under CPSC's jurisdiction.

---MORE---

156

(tara toys)

-3-

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NOTE: To report an unsafe consumer product or a product-related injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1-800-638-2772. A teletypewriter for the hearing impaired is available at 1-800-638-8270; the Maryland TTY number is 1-800-492-8104.

157

IMPORTANT SAFETY NOTICE

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

Dear Distributor/Store Manager:

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

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

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

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

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

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

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

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

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

Thank you for your cooperation in this matter.

Very Truly Yours,

TARA TOY CORPORATION

154

3. Identifying Product Data:

There are three different Sesame Street characters under this model number. The first is Big Bird in a fire engine, the second is Cookie Monster on a scooter, and third is Ernie on an airplane. The toys are packaged identically in boxes reading in part, "****CTW SESAME STREET PUSH POWER ***FOR AGES 3 AND UP ***TARA TOY CORP HAUPPAUGE N.Y. 11788 ***MADE IN CHINA ***No. 75110 ****".

4. CORRECTIVE ACTION PLAN:

In March, 1992, the firm mailed 10 Notices of Recall and Point-of-Purchase Posters to its customers who are chain store retailers. The notice asked the consignees to stop sale, return the toys to Tara and post the posters in their retail locations.

5. Injuries, Deaths, Safety Related Complaints, Legal Actions:

None known to firm.

6. Number of Products Involved:

The firm was not the importer of record for any of the toys. Each individual customer imported the toys. A total of 44,376 units were from August, 1991, until September, 1991. It is unknown at this time how many units have been sold to consumers.

7. Distribution:

The firm sold the toy from August, 1991 to September, 1991. Its 10 consignees are located primarily on the East Coast except for three, who are located in the Midwest.

8. Estimated Life in Consumer Hands:

The toy should last for several years.

9. When and How Firm Learned of Problem:

The firm learned of the problem when its customer, Shepherd Distributing when received our LOA dated October 18, 1991. Shepherd stated that the item was purchased from Tara. An inspection was conducted on November 4, 1991 at Tara to confirm that it is the firm responsible for the "Push Power" toys. An LOA dated December 9, 1991 was then sent to the firm.

160

10. When and How CPSC Learned of Problems:

The CPSC learned of the small parts violation when it collected a sample of the toy on September 27, 1991, and the sample failed Use and Abuse testing.

11. Samples:

P-800-9306- Big Bird on fire engine
P-800-9307- Cookie Monster on scooter
P-800-9308- Ernie on airplane

12. Firm's Plan For Disposition of Returns:

The firm has no stock to dispose of, and will destroy the returns.

13. CPSC Plan For Monitoring and Request For Effectiveness Checks:

Conduct the following effectiveness checks, and complete 2 sub-recall checks for each firm listed.

FOCR

1. Marbal Drugs
6857 1/2 Southland Dr.
Middleburg Hts., OH 44130

FOER

2. Thrift Drug
1615 Alpha Dr.
Pittsburgh, PA 15238

3. Lash Tamaron (Toy R Us)
395 Passaic St.
Rochelle Park, NJ 07662

161

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

IMPORTANT SAFETY NOTICE

RE: Recall "Sesame Street Push Power Assortment"

March 1992

Dear Store Manager/Distributor:

In cooperation with the U.S. Consumer Product Safety Commission (CPSC) we are voluntarily recalling the above-identified product. The CPSC has determined that this product will be used by children under three years of age. Its components may separate during use and these components pose a potential choking hazard to such children.

If you have any of these products in stock or inventory, please stop selling and/or distributing them immediately. Please contact Tara Toy Corp., either by the above-listed phone number or address, to arrange for disposition of this item.

This retailer/distributor recall is being conducted in cooperation with the CPSC which will be monitoring the results. Please cooperate with us by complying with said request.

If you are a chain store, posters and inventory response forms must be distributed to each retail store. Please note that retailers must prominently display the "Notice of Recall" posters for at least 120 days and complete and mail the attached form.

If there are any questions, please do not hesitate to contact the undersigned.

Thank you for your cooperation in this matter.

Very truly yours,

TARA TOY CORPORATION

A handwritten signature in cursive script that reads "Michael Seiler".

Michael Seiler
Controller

162

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

SESAME STREET
PUSH POWER ASSORTMENT
STYLE 75110

Please fill out this form and return same to the above address.



WE HAVE RECEIVED YOUR RECALL NOTICE AND WILL BE POSTING SUCH
RECALL POSTER IN OUR STORE FOR 120 DAYS.

We currently have this product in inventory - Quantity _____

We have no products in inventory.

Store Manager

Store Name

Store Address

163

TARA TOY CORP.

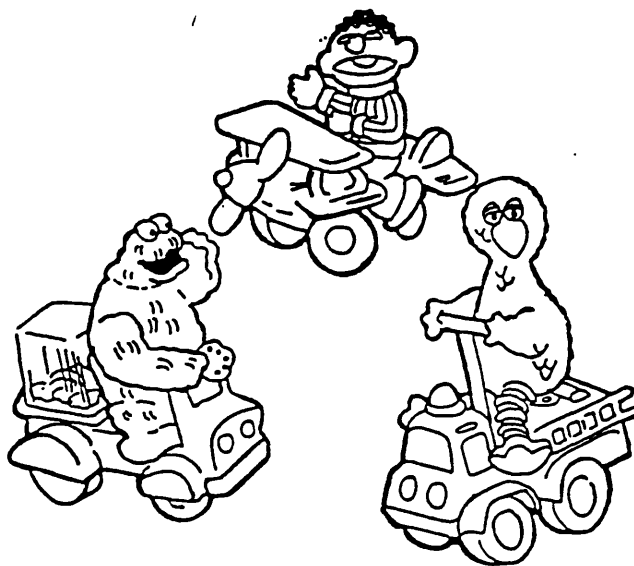
40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8697
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

**RECALL OF SESAME STREET PUSH POWER
ASSORTMENT - STYLE NO. 75110
BIG BIRD, COOKIE MONSTER AND ERNIE**



RECALL OF THE TOYS PICTURED ABOVE IS BEING CONDUCTED BY TARA TOY CORP. THE U.S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC) HAS DETERMINED THAT THE PRODUCT IS INTENDED FOR CHILDREN UNDER THE AGE OF THREE AND, AS SUCH, A COMPONENT OF THE PUSH POWER TOYS MAY SEPARATE UNDER USE AND ABUSE TESTING, THEREBY EXPOSING A PART WHICH MAY BE SMALL ENOUGH TO PRESENT A POTENTIAL CHOKING HAZARD TO YOUNG CHILDREN.

CONSUMERS ARE REQUESTED TO RETURN THE TOYS TO THE STORE WHERE PURCHASED FOR A FULL REFUND.

THIS RECALL IS BEING CONDUCTED IN COOPERATION WITH THE CPSC.

POSTED ON _____ . KEEP POSTED FOR 120 DAYS OR UNTIL JULY 31, 1992.

164

[Handwritten scribbles]

6P II

E921170

FIRM:
Tara Toy Corp.
40 Adams Avenue
Hauppauge, N. Y. 11788
(516) 273-8583

TO: FOER OPERATIONS

FROM: FOER COMPLIANCE

M. Bennett

Request Date: 3/24/92

Date Assigned: _____

Group: _____

E #: _____

Section 15 meeting _____

Due date _____

SUBJECT: FIELD ACTIVITY REQUEST
MIS # 33698

- (a) Section 15 Case #
- (b) Regulated Product Case # 92B033
- (c) Surveillance _____
- (d) Other

BACKGROUND:

This firm is recalling its Sesame Street Push Power Assortment of toys. The toys were found to be in violation of the Small parts regulations. Units of the toys are available from Martin Bennett.

REQUEST:

Initiate monitoring of the recall. (Shepher Distributing has accounted for all of its stock, which will be destroyed.)

ATTACHED:

- LOA 10/8/91 (Shepher)
- LOA 12/9/92 (Tara)
- Distribution lists and recall documents
- Correspondence between Tara and CPSC

163

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

DAVID N. BRAININ
OF COUNSEL

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

February 13, 1992

Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Six World Trade Center
Vesey Street - Third Floor
New York, NY 10048

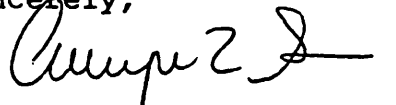
Dear Mr. Bennett:

Pursuant to your request regarding sales of item #75110 Sesame Street Push Power Assortment, below is a list of those customers and units purchased.

<u>CUSTOMER</u>	<u>UNITS PURCHASED</u>
Boscov's	900
Long Island Consortium	1,260
Marbal Drug Corp.	720
Ocean State Jobbers	1,188
Rose's Store	9,036
Shepher Distributing	1,440
Super Dollar Discount	1,800
Thrift Drug	2,052
Toy 'R Us	20,400
F.W. Woolworth	<u>5,580</u>
Total	44,376

If we can be any further assistance, please do not hesitate to contact us.

Sincerely,



Carolyn Z. Slovis

CZS:rw

166

soma international ltd.

SOUTH SEAS CENTRE, TOWER 1, 8/F, 35 MOYI ROAD, TST EAST, KOWLOON, HONG KONG

TEL: 7225311

CPSC TEL: 4888 SOMA FAX:

FAX: 7221862

'92 JAN 16

January 8, 1992

U.S. Consumer Product Safety Commission
Washington, D.C. 20207
U. S. A.

Attn: Mr. Michael T. Bogumill - Compliance Officer,
Division of Regulatory Management, Office of
Compliance and Enforcement

Dear Mr. Bogumill,

We have received your letter dated Dec. 12, 1991 concerning
Tara Toy, Inc. product called "Sesame Street Push Power".

We will not produce or ship the above mentioned toys as per
your requirements.

Enclosed please find a list of retailers who have received
the "Push Power" product.

We hope this letter meets your requirements.

Best regards,

Yours sincerely,
SOMA INTERNATIONAL LTD.

B. K. Ma
Director

Encl.
BKM/mw

167

SOMA INTERNATIONAL LTD.

LIST OF RETAILERS WHO HAVE RECEIVED THE SESAME STREET "PUSH POWER" PRODUCT

- F. W. Woolworth Co.
233 Broadway, 25/Fl.
New York, N.Y. 10279
U. S. A.
- Super Dollar Discount Stores
3401 Gresham's Lake Road
Raleigh, North Carolina 27615
U. S. A.
- Long Island Consortium Inc.
721 Broadway Avenue
Holbrook, N.Y. 11741
U. S. A.
- Thrift Drug Co.
615 Alpha Drive
Pittsburg, PA. 15238-2876
U. S. A.
- Marc Glassman Inc.
6857-1/2 Southland Drive
Cleveland, Ohio 44130
U. S. A.
- Toys "R" Us, Inc.
461 From Road -
Paramus, N.J. 07652
U. S. A.
- Ocean State Jobbers, Inc.
46 Koster Road
North Kingston, R.I. 02852
U. S. A.
- Tara Toy Corp.
40 Adams Avenue
Hauppauge, N.Y. 11788
U. S. A.
- Pike Distributors Inc.
4500 Perkiomen Avenue
Reading, PA. 19606
U. S. A.
- Rose's Stores, Inc.
P. H. Rose Bldg.
218 South Garnett Street
Henderson, N.C. 27536
U. S. A.
- Shepher Distributors & Sales Corp.
2300 Linden Boulevard
Brooklyn, N.Y. 11208
U. S. A.

168

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788

(516) 273-8897
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

CUSTOMER LIST

RECALL ITEM #75110

PUSH POWER

<u>CUSTOMER NAME</u>	<u>ADDRESS</u>	<u>CONTACT</u>	<u>QUANTITY</u>	<u>DATE</u>
Ace Hardware	220 Kensington Ct. Oak Brook, IL 60521		12	6/25/91
Cloud Nine			12	10/24/91
Duebers, Inc.	200 W. Street Highway #5 P.O. Box 26 Waconia, MN 55387		36	1/8/92
Toy Stop			12	11/27/91
Boscov's	4500 Perkiomer Ave. Reading, Pa. 19606		900	9/4/91
L. I. Consort.	721 Broadway Ave. Holbrook, N.Y. 11741		1,260	9/9/91
Marbal Drugs	6857 1/2 Southland Dr. Middleburg Hgts. , OH 44130		720	8/8/91

169

TARA TOY CORP.

40 ADAMS AVENUE, HAUPPAUGE, N.Y. 11788



(516) 273-8897
FAX (516) 273-8583

FOR QUALITY IN DESIGN AND CONSTRUCTION

			<u>DATE</u>
Ocean State Jobbers	DS 24 Koster Road Davisville, RI 02854	1,188	8/7/91
Roses Stores	Drawer 947 Henderson, NC 27531	9,036	8/6 & 8/9/91
Shepher Dist.	2300 Linden Blvd. Brooklyn, N.Y. 11208	1,440	8/14/91
Super Dollar Discount	3401 Greshawa Lake Rd. P.O. Box 17800 Raleigh, N.C. 21619	1,800	8/8/91
Thrift Drug	1615 Alpha Dr. Pittsburgh, Pa. 15238	2,052	9/15/91
Lash Tamaron	395 Passaic St. Rochelle Park, N.J. 07662	20,400	9/9 & 9/12/91
F.W. Woolworth	2300 Broadway New York, N.Y. 10279	5,580	8/15/91

170

RECALL OF SESAME STREET PUSH POWER
ASSORTMENT STYLE NO. 75110
BIG BIRD, COOKIE MONSTER, AND ERNIE

[illustration]

RECALL OF THE TOYS PICTURED ABOVE IS BEING CONDUCTED BY TARA TOY CORP. THE U.S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC) HAS DETERMINED THAT THE PRODUCT IS INTENDED FOR CHILDREN UNDER THE AGE OF THREE AND, AS SUCH, A COMPONENT OF THE PUSH POWER TOYS MAY SEPARATE UNDER USE AND ABUSE TESTING, THEREBY EXPOSING A PART WHICH MAY BE SMALL ENOUGH TO PRESENT A POTENTIAL CHOKING HAZARD TO YOUNG CHILDREN.

CONSUMERS ARE REQUESTED TO RETURN THE TOYS TO THE STORE WHERE PURCHASED FOR A FULL REFUND.

THIS RECALL IS BEING CONDUCTED IN COOPERATION WITH THE CPSC.

SECT15\SESAME.STR

ml

[Letterhead of Tara Toy Corporation]

IMPORTANT SAFETY NOTICE

February 10, 1992

Re: Recall "Sesame Street Push Power Assortment"

Dear Store Manager/Distributor:

In cooperation with the U.S. Consumer Product Safety Commission (CPSC) we are voluntarily recalling the above-identified product. The CPSC has determined that this product is capable of use by children under three years of age and components on the toys may separate under Use and Abuse testing, thereby exposing a part which may be small enough to present a potential choking hazard to young children under the age of three.

If you have any of these products in stock or inventory, please stop selling and/or distributing them immediately. Please contact Tara Toy Corp. either by the above-listed phone number or address to arrange for disposition of this item.

This retailer/distributor recall is being conducted in cooperation with the CPSC which will be monitoring the results. Please cooperate with us by complying with said request. Please note that retailers must prominently display the "Notice of Recall" posters for at least 120 days and by completing and mailing the attached form.

If there are any questions, please do not hesitate to contact the undersigned.

Thank you for your cooperation in this matter.

Very truly yours,

TARA TOY CORP.

By: _____

172

02.13.92

04:00

PM

*FROM LG&B

P07

SESAME STREET
PUSH POWER ASSORTMENT
STYLE NO. 75110

Please fill out this form and return same to the above central office address.

We have received your retail notice and will be posting such recall poster in our store for 120 days.

- We currently have ___ products in inventory.
- We have no products in inventory.

Store Manager

SECT15\SESAME.STR

173

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

ONE PENN PLAZA, NEW YORK, N.Y. 10119
(212) 594-7000
TELECOPIER (212) 594-7336

DAVID N. BRAININ
OF COUNSEL

February 13, 1992

Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Six World Trade Center
Vesey Street - Third Floor
New York, NY 10048

Dear Mr. Bennett:

Pursuant to your request regarding sales of item #75110
Sesame Street Push Power Assortment, below is a list of those
customers and units purchased.

<u>CUSTOMER</u>	<u>UNITS PURCHASED</u>
Boscov's	900
Long Island Consortium	1,260
Marbal Drug Corp.	720
Ocean State Jobbers	1,188
Rose's Store	9,036
Shepher Distributing	1,440
Super Dollar Discount	1,800
Thrift Drug	2,052
Toy 'R Us	20,400
F.W. Woolworth	<u>5,580</u>

Total 44,376

If we can be any further assistance, please do not hesitate
to contact us.

Sincerely,


Carolyn Z. Slovis

CZS:rw

174

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

DAVID N. BRAININ
OF COUNSEL

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

March 20, 1992.

Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Six World Trade Center
Vesey Street - Third Floor
New York, NY 10048

Re: Recall: Tara Toy - Push Power

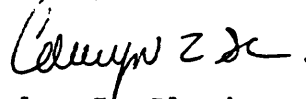
Dear Mr. Bennett:

This will confirm our telephone conversation this afternoon whereby I communicated Tara's intention to initiate its recall mailing on Monday March 23, 1992. As per your request, a packet of the recall material, as it is sent to its customers, will be mailed directly to you. Please note that the date of the poster has been changed to July 30, 1992.

With respect to confirmation from CTW regarding the press release, Tara has stated that CTW has voiced no objection to the recall campaign.

If you have any questions or require additional information, please do not hesitate to contact our offices.

Sincerely,



Carolyn Z. Slovis

CZS:rw

cc: Michael Seiler

179



FOR OFFICIAL USE ONLY

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

FEB 18 1992

VIA FAX

Mr. Carolyn Z. Slovis, Esq.
Locker, Greenberg & Brainin, P. C.
One Penn Plaza
New York, N. Y. 10119

Re: Case # 92B007

Dear Ms. Slovis:

Thank you for your letter of February 13, 1992 regarding the Sesame Street Push Power Assortments distributed by your client, Tara Toy Corp., 40 Adams Avenue, Hauppauge, N. Y. 11788. You included proposed recall documents.

These recall documents are generally satisfactory. However, I have the following comments:

Recall Sign. The last line(s) on the sign should state:
"Posted on March 1, 1992.

Keep posted for 120 days or until June 30, 1992."

Please submit copies of the art work as soon as possible.

Letter. The language of the letter should be changed to "... CPSC has determined that this product will be used by children under three years of age. Its components may separate during use and these components pose a potential choking hazard to such children." Since most of the consignees are chain stores, the recall letter should specifically request that the signs be sold in individual retail stores and that the chains request their stores to return the response forms to their headquarters, which should report to Tara. Be sure that Tara's telephone number is listed on the letter.

Response form. The response form does not have space for the store name (number) and address. It will, thus, be difficult or impossible to properly identify signed forms.

Please provide me with the addresses of your consignees and the approximate suggested price.

I await your prompt response.

Sincerely,

Martin B. Bennett
Compliance Officer

176

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

PRESS RELEASE INFORMATION

CASE # 92 B007

Recalling Firm Name

Tara Toy Corp.

City State

40 Adams Avenue
Hauppauge, N. Y. 11788

Name of Product

Push Power Assortment, Big Bird, Cookie, Monster and Ernie

Brand Name

Sesame Street

Model Number

#75110

Manufacturer/Importer (if other than recalling firm)

Same.

Identifying labels/markings on product

On bottom of vehicle "c CTW JHP, INC. TARA TOY CORP. MADE IN CHINA."

Identifying labeling on package label

"FROM AGES 3 AND UP PUSH POWER CTW SESAME STREET R
Your favorite figures with action TARA TOY CORP. HAUPPAUGE, NY
11788 MADE IN CHINA C Jim Hanson Productions, Inc.
*** NO. 75110."

Physical Description of product (CARM will provide information if region doesn't have sample.)

Please provide.

Violation/Hazard

Small parts

Number of products sold

See separate list, which is attached.

Dates of sales

To be obtained by next week.

Geographic distribution

Nationally.

Where sold (Retail chain, discount, toy stores, catalogue)

See attached list.

Retail price

To be obtained.

Country imported from

China

How CPSC identified the problem (Customs, Port of inspection, consumer complaint, state consumer group, etc.)

Port inspection

Brief description of Corrective Action Plan

Recall to consumer level. Bring product back to retail stores.

Toll-free number for recalling firm

(516) 273-8810

177

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

—
DAVID N. BRAININ
OF COUNSEL

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

January 28, 1992

Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Eastern Regional Office
Six World Trade Center
Vesey Street - Third Floor
New York, NY 10048

Re: Shepher Distributors and Sales Corp. /
Tara Toy Corp. - Push Power Sesame Street Toys
Entry#: 164-002761-8 Big Bird (M-800-9306)
Ernie (M-800-9307), Cookie Monster (M-800-9308)
CPSC Case # 92B007 & 92B033

Dear Mr. Bennett:

Pursuant to your correspondence dated December 9, 1991,
and our subsequent telephone conversation this morning, I am
requesting that the corrective action implemented for the above-
identified product be limited to a customer/distributor level
recall.

I look forward to your response.

—
Sincerely,



Carolyn Z. Slovis

CZS:rw

cc: Bruce Pearl

178

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

DAVID N. BRAININ
OF COUNSEL

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

January 16, 1992

Mr. Martin B. Bennett
Compliance Officer
U. S. Consumer Product Safety Commission
6 World Trade Center
New York, N.Y. 10048-0950

Re: CPSC Case No. 92B033
Push Power Sesame Street Toys


Dear Martin:

Thank you for your letter of January 15, 1992, regarding the above matter.

In light of the CPSC analysis of the age grade recommendation on the above identified product, Tara Toy Corp. has agreed to change future production on all such products to ensure compliance with CPSC age grade guidelines and the appropriate small parts requirements pursuant to 16 CFR 1500.52, et seq.

If such action is acceptable to you, please contact us in order that we may immediately implement all necessary revisions.

Sincerely yours,


Jeffrey M. Locker

JML:dd

179

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

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

DAVID N. BRAININ
OF COUNSEL

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

January 13, 1992

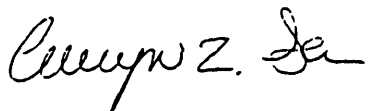
Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Six World Trade Center
Vesey Street - Third Floor
New York, NY 10048

Re: Push Power Sesame Street Toys
(M-800-9306/8)
Cases 92B007, 92B033

Dear Mr. Bennett:

Please be advised that Tara Toy Corp. is assuming all responsibility for any corrective action imposed upon any distributors of Tara Toy Corp's Push Power Sesame Street Toys (M-800-9306/8)

Sincerely,



Carolyn Z. Slovis

CZS:rw

180

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

Tara CP
~~CP~~

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER
CAROLYN Z. SLOVIS

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

DAVID N. BRAININ
OF COUNSEL

January 16, 1992

Mr. Martin Bennett
U.S. Consumer Product Safety Commission
Six World Trade Center, 3rd Floor
Vesey Street
New York, N.Y. 10048

Re: Push Power Sesame Street
Toys (M-800-9306/8)
Cases 92B003, 92B007

Dear Mr. Bennett:

Please be advised that it has been agreed between Tara Toy Company and Shepher Distributors that Tara Toy Company will represent Shepher Distributors in any corrective action imposed by the Commission. As counsel for both Tara Toy Company and Shepher Distributors, this agreement has been reached under our supervision.

Sincerely,

Carolyn Z. Slovis

Carolyn Z. Slovis

CZS:ja

181



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U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

JAN 15 1992

Ms. Carolyn Z. Slovis, Esq.
Locker, Greenberg & Brainin, P. C.
One Penn Plaza
New York, N. Y. 10119

Re: Case 92B033

Dear Ms. Slovis:

This is a follow up to my letter of January 8, 1992 regarding "Push Power Sesame Street Toys" (M-800-9306/8) distributed under the name of Tara Toy Co., Hauppauge, N. Y. 11788. You are representing Tara.

You submitted a report from Acts Testing Labs., Buffalo, N. Y., which described the toys as appropriate for children over 18 months old and questioned our evaluation regarding children as young as twelve months old.

As per your request a more detailed evaluation of the toy's play value was prepared. These push power vehicles are likely to have appeal to children 12 months of age to 3 or 4 years. At this age, children are interested in brightly colored, recognizable transportation vehicles. Vehicles with recognizable characters as drivers and passengers are also appealing. In this case, the Sesame Street characters are recognizable to children 12 months and older. Children 12 months and older are interested in and capable of using simple transportation toys that they can operate by pushing. Thus, these push vehicles will most likely be purchased for and used by children 12 months of age and older. (See page 172 of the Guidelines For Relating Children's Ages to Toy Characteristics, published by the Commission on October 17, 1985.)

My letter of January 8, 1992 was in error as it listed both Tara Toy Co. and another firm. For Compliance purposes we must keep files of individual firms separate, unless both firm's agree to other arrangements in writing in advance.

I await your response regarding our letter of December 9, 1991.

Should you have any questions, feel free to call me on (212) 264-3920.

Sincerely,

Martin B. Bennett
Compliance Officer

182

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



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U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

JAN 8 1992

Mr. Carolyn Z. Slovis, Esq.
Locker, Greenberg & Brainin, P. C.
One Penn Plaza
New York, N. Y. 10119

Re: Cases 928007, 928033

Dear Ms. Slovis:

Thank you for your letters of January 2 and 3, 1992 regarding "Push Power Sesame Street Toys" (M-800-9306/8) imported by Shepher Distributors and Sales Corp., Brooklyn, N. Y. 11208. You are representing both Shepher and Tara Toy Co., Hauppauge, N. Y. 11788, which is listed as the distributor.

You submitted a report from Acts Testing Labs., Buffalo, N. Y., which described the toys as appropriate for children over 18 months old and questioned our evaluation regarding children as young as twelve months old.

During our January 7, 1992 telephone conversation, I informed you that a more detailed evaluation of the toy's play value for children under 18 months is being prepared and will be submitted to you as soon as possible.

I await your response regarding our letter of December 9, 1991.

Should you have any questions, feel free to call me on (212) 264-3920.

Sincerely,

Martin B. Bennett
Compliance Officer

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

183



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U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

DEC 9 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Bruce Pearl, President
Tara Toy Corp.
40 Adams Avenue
Hauppauge, N. Y. 11788

Re: Case No. 92B033

Dear Mr. Pearl:

On September 27, 1991 Investigator Alvin Furer of our office collected samples of your firm's "Push Power Sesame Street" toys, which were imported by Shepherd Distributing & Sales Corp., 2300 Linden Boulevard, Brooklyn, N. Y. 11208. The individual items Big Bird (M-800-9306), Ernie (M-800-9307) and the Cookie Monster (M-800-9308) listed your firm's name (Tara Toy Corp.) as the distributor.

During a November 4, 1991 inspection of your firm Investigator Beverly Kohen was informed that Tara would assume responsibility for any products bearing its label regardless of the actual importer.

We have completed our analysis. Enclosed are copies of our laboratory findings, the Federal Hazardous Substances Act (FHSA), its regulations and our letters to Shepherd Distributing and Sales Corp. dated October 8 and December 2, 1991.

Our laboratory analysis of these samples revealed that components separated when subjected to the use and abuse testing specified in section 16 CFR 1500.51 and .52 of the FHSA regulations. These parts fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. This finding cause the above listed toys to be banned hazardous substances as defined by Section 2(q) of the FHSA. The distribution of a banned hazardous substance is prohibited by Section 4 of the FHSA.

We request that you immediately cease the distribution of the above listed toys, and take corrective action regarding the products previously distributed by your firm and by firms that you represent. These toys present a choking, aspiration, or ingestion hazard because the components and they are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products, which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

184

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

In this case, we request that you:

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

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

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

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

183

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

Our fact sheet on confidentiality is attached for your information.

Please advise us of your plans for recall and disposition of these items.

If you plan to export any products that are "misbranded hazardous substances" or "banned hazardous substances" as the terms are defined by the FHSA (15 U.S.C. 1261 et seq.) you must notify the Commission at least 30 days in advance, furnishing the specific information in accordance with 16 CFR 1019.4 (copy enclosed). This notice is a requirement of Section 14 (d) of the FHSA (15 U.S.C. 1273 (d)). The failure to provide such a notice is a prohibited act under Section 4 (i) of the FHSA, (15 U.S.C. Section 1263 (i)) and subject to the penalties described in Section 5 of the FHSA (15 U.S.C. 1264). It should be emphasized that although the notice requirements of Section 14(d) of the FHSA may be met, exportation of your products can still take place only if CPSC exercises its discretion not to prevent their export. 16 CFR Part 1010, Statement of Policy and Interpretation Concerning Exportation of Noncomplying, Misbranded, or Banned Products, (copy enclosed, provides the Commission policy regarding exportation of such products.

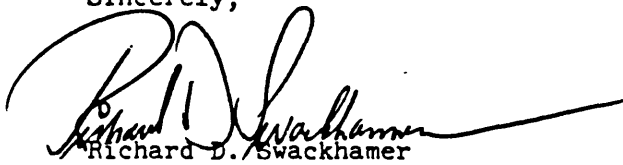
If you wish to comment on our findings regarding these items, you may do so by submitting your comments in writing within ten days of your receipt of this letter. However, please be on notice that, Commission Staff Policy requires all compliance matters relating to reconditioning, destruction or export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

186

- 4 -

Please direct your written response and any questions to
Martin B. Bennett, Compliance Officer (212) 264-3920.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Swackhamer". The signature is stylized with large, sweeping loops and a long horizontal line extending to the right.

Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures

187

P 386 415 970
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

U.S.G.P.O. 1989-234-555
 PS Form 3800, June 1985

Sent to Mr. Bruce Pearl, Pres Tara Toy Corp.	
Street and No 40 Adamsk Avenue	
P.O. State and ZIP Code Hauppauge, NY 11788	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date MBB LOA 12/9/91 CT 92B033	

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:

**Mr. Bruce Pearl, President
Tara Toy Corp.
40 Adams Avenue
Hauppauge, NY 11788
Case No. 92B033**

4a. Article Number Return Receipt
Req. P 386 415 970

- 4b. Service Type
- | | |
|--|---|
| <input checked="" type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

[Handwritten Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

156



U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

Ms. Carolyn Z. Slovis, Esq.
Locker, Greenberg & Brainin, P. C.
One Penn Plaza
New York, N. Y. 10119

DEC 2 1991

Re: Cases # 92B007

Dear Ms. Slovis:

Thank you for your letter of October 31, 1991 regarding Push Power Sesame Street Toys (M-800-9306/8) imported by your client, Shepher Distributors and Sales Corp., Brooklyn, N. Y. 11208.

Our letter of October 18, 1991 informed Shepher that these toys are banned hazardous substances, because components, which are small parts separated during use and abuse testing. See section 16 CFR 1501 of the Federal Hazardous Substances Act (FHSA) regulations.

Our laboratory had subjected these items to the use and abuse impact test listed in section 16 CFR 1500.51 of the FHSA regulations, which applies to toys intended for use by children 18 months of age or less.

You contended that these toys were labeled for and are intended for use by children over three years old and that they should have been tested under the use and abuse tests listed for children over 18 months but not over 36 months as specified in section 16 CFR 1500.52 of the FHSA regulations.

These toys bear inappropriate and inconspicuous age labeling on the green margin of one of the two principal display panels - i. e. "FOR AGES 3 AND UP." However, we consider them to be intended for use by children under three, and thus, subject to the small parts regulations. Based upon the inappropriate labeling, our laboratory correctly tested the toys to the most stringent impact test - that is from a height of 4 1/2 feet.

By way of explanation "If an article is not age - labeled in a clear and conspicuous manner or, based on such factors ... is inappropriately age - labeled, and is intended or appropriate for children 96 months of age or less, it will also be subjected to the most stringent test requirements" as listed above and in 16 CFR 1500.50(b)(1)(ii).

- Connecticut
- Delaware
- District of Columbia
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- Maine
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- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
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- Rhode Island
- South Carolina
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- Virginia
- Virgin Islands
- West Virginia

189

The Commission staff applies the following regulations in this matter:

1. "Test methods for simulating use and abuse of toys and other articles intended for use by children " 16CFR1500.50(b)(1)(ii),
2. "Test methods for simulating use and abuse of toys and other articles intended for use by children 18 months of age or less" regarding impact tests - 16 CFR 1500.51, and
3. "Test methods for simulating use and abuse of toys and other articles intended for use by children over 18 but not over 36 months of age" regarding torque and tension tests - 16 CFR 1500.52.

The same information and explanation is also provided on page 9 of the current, March 1991 "Engineering Test Manual, Requirements for Toys and Other Articles intended of for use by Children Under 8 Years of Age."

I await your response regarding the disposition of the imported goods.

Should you have any questions, feel free to call me on (212) 264-3920.

Sincerely,



Martin B. Bennett
Compliance Officer

190



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024

U.S. CONSUMER PRODUCT SAFETY COMMISSION
EASTERN REGIONAL CENTER

OCT 8 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Sidney Monchik, President
Shepher Distributing & Sales Corp.
2300 Linden Boulevard
Brooklyn, N. Y. 11208

Re: Case No. 92B008⁷

Dear Mr. Monchik:

On September 27, 1991 Investigator Alvin Furer of our office collected samples of Tara "Push Power Sesame Street" toys your firm imported under entry #164-0027761-8. The individual items were the Big Bird (M-800-9306), Ernie (M-800-9307) and the Cookie Monster (M-800-9308).

We have completed our analyses. Copies of our laboratory findings, the Federal Hazardous Substances Act (FHSA) and its regulations are enclosed.

Our laboratory analysis of these samples revealed that components separated when subjected to the use and abuse testing specified in sections 16 CFR 1500.51 and 52 of the FHSA regulations. These parts fit entirely inside the small parts cylinder as described in 16 CFR 1501.4. This finding cause these Tara Push Power toys (and any similar items intended for children under three) to be banned hazardous substances as defined by Section 2(q) of the FHSA. The distribution of a banned hazardous substance is prohibited by Section 4 of the Act.

We request that you immediately cease the distribution of these Tara Sesame Street toys and any items with similar small parts, and take corrective action regarding the products previously distributed. These toy present a choking, aspiration, or ingestion hazard because the components separate and they are small parts. The Commission encourages your firm to voluntarily recall potentially hazardous products, which are in the chain of distribution. In this connection we ask that you please submit a written corrective action plan describing the actions which you plan to take.

In this case, we request that you:

- o Stop sale of the and any similar toys.
- o Provide notification to distributors and retailers informing them of the problem, requesting them to stop sale, and recall.

jal

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 West Virginia

- o Provide point of purchase posters to retail customers and request that they be displayed for not less than 120 days at the retail outlets.
- o Issue public notice in the form of a joint press release.

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

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

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

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

192

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

You are requested to respond in writing within ten (10) days of the receipt of this letter outlining your firm's proposed course of corrective action. Please direct your written response and any questions to Martin B. Bennett, Compliance Officer (212) 264-3920.

Sincerely,



Richard D. Swackhamer
Regional Director
Eastern Regional Center

Enclosures

197

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EF-

FIELD ACTIVITY COVERSHEET			
1. REGION/STATE FOER	2. OPERATION (Check One) <input checked="" type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input type="checkbox"/> Investigation <input type="checkbox"/> Other _____		3. DATE 5/20/92 4. NUMBER (For RO Use) case #92B033
5. ESTABLISHMENT Name <u>Tara Toy Corp.</u> Address <u>40 Adams Ave.</u> City <u>Hauppauge</u> State <u>NY</u> Zip <u>11788</u> Telephone No. _____			
6. RELATED FIRM <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other _____ Name _____ City _____ State _____			
7. PRODUCTS COVERED <u>Push Power Assortment</u> <u>#75110</u>		8. OTHER CONSUMER PRODUCTS _____ _____	
9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer <input checked="" type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other _____		10. ANNUAL PRODUCTION Product Covered \$ _____ Units _____ Other Products \$ _____ Units _____	
11. I.S. BUSINESS % Received _____ % Shipped _____	12. SAMPLES COLLECTED None	13. MIS CODE 33698	14. HOURS Activity <u>3</u> Travel <u>2</u>
15. REASON FOR ACTIVITY (Assignment Reference) Recall #M-800-9306/9307/9308			
16. ANNOUNCED <input checked="" type="checkbox"/> Rationale for Announced Inspection UNANNOUNCED <input type="checkbox"/> Appointment was made to witness destruction.			
17. EMPLOYEE'S NAME Beverly J. Kohen	TITLE Investigator	SIGNATURE <i>Beverly J. Kohen</i>	
18. <input type="checkbox"/> ENDORSEMENT <input checked="" type="checkbox"/> REMARKS <input type="checkbox"/> SUMMARY <input type="checkbox"/> OTHER _____ This inspection was conducted to witness the disposition of returns of the firm's Sesame Street Push Power Assortment recalled under M-800-9306/08. We will continue to monitor this recall. Follow-up: Refer to FOER Compliance			
19. REVIEWER'S NAME Gilbert Bodin	TITLE Supervisor	SIGNATURE <i>Gilbert Bodin</i>	
20. REVIEW DATE 5/20/92	21. DISTRIBUTION O: EF CC: DD, COMPLIANCE, CERM, M-800-9306, GB, BJK		

194

Tara Toy Corp.
40 Adams Ave.
Hauppauge, NY 11788
BJK 5/20/92

SUMMARY OF FINDINGS:

This inspection was conducted to witness the destruction of the firm's Push Power Assortment 75110 returned to the firm under recall #M-800-9306/9307/9308 (case #92B033).

On May 20, 1992, I entered the firm and presented Michael Seiler, controller with a Notice of Inspection and credentials. He brought me in to the firm's warehouse located at the same address where I observed the destruction of 8,124 units of item #75110. This accounted for the firm's inventory and returns from consignees. There was a approximate equal number of each of the three styles (each style had a different sesame street character but all three were under model #75110). Exhibit #1 is the photographs of the destruction which was completed by compaction. Exhibit #2 is the signed affidavit attesting to the destruction.

The firm has received the majority of returns, and will hold any additional returns for destruction at a future date.

During my visit, I also checked on the status of recall #s P-800-1006 and P-800-1013 (case #92G035 and 92G052). The firm has received a total of 1,957 units of the Nursery Set #71700 back from one consignee. This is a total for both styles of the Nursery Set although each style is being handled under a separate recall. Mr. Seiler was unsure at this time of how many units of each style were returned.

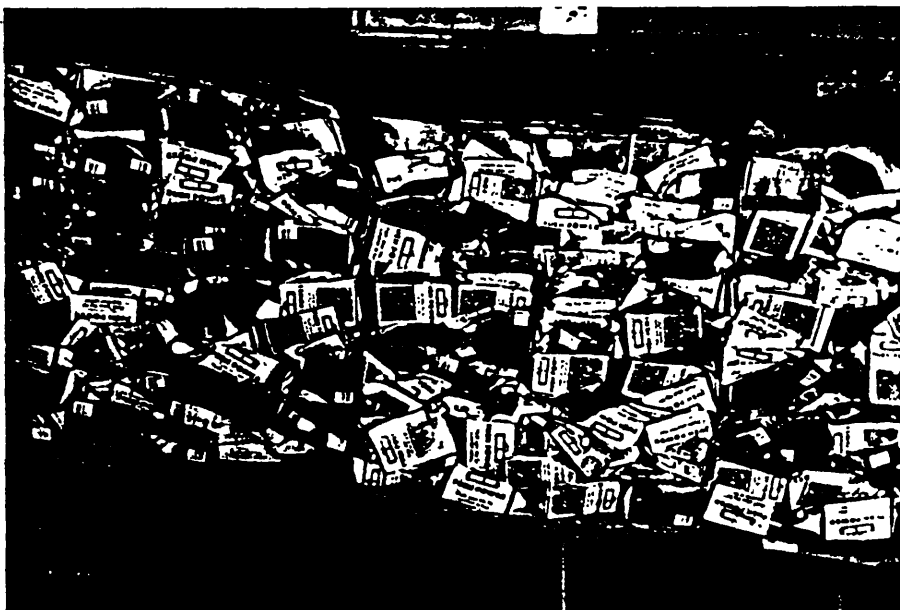
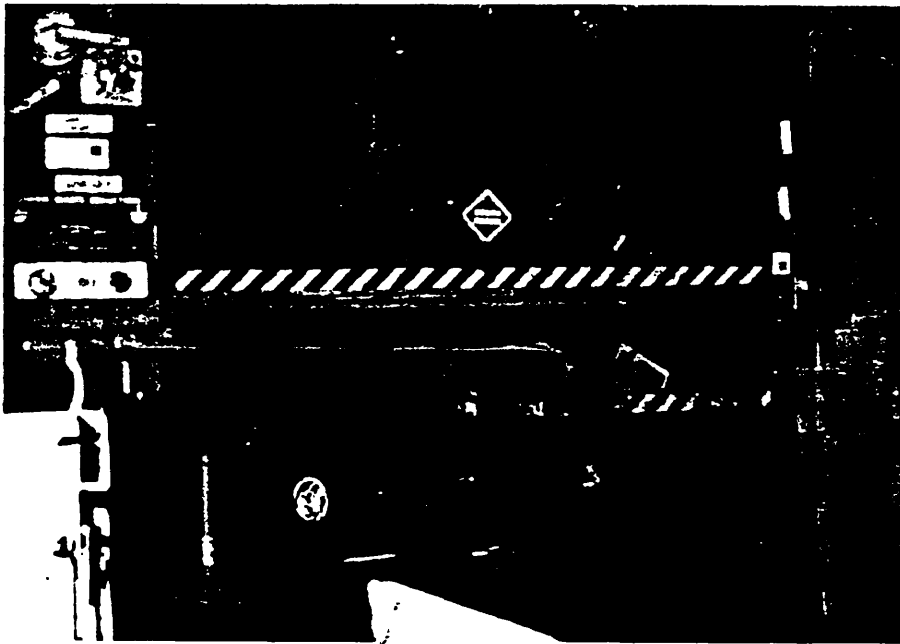
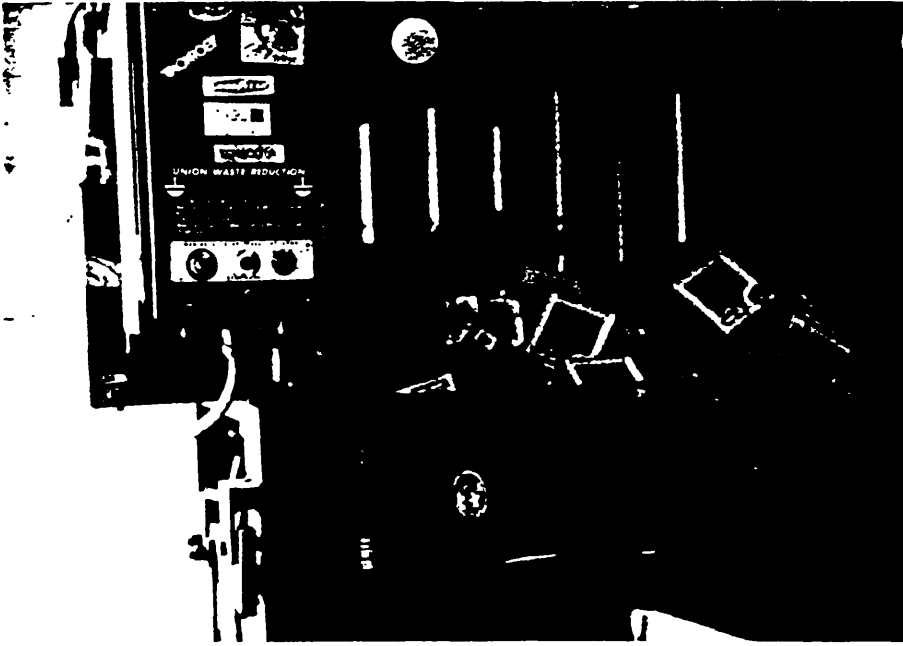
EXHIBITS:

- 1 - Photographs of destruction.
- 2 - Affidavit.

BK/lh

195

Tara Toy Corp
Exhibit #1
BJK 9/20/92



196

EXHIBIT #2
Tara Toy Corp
BJK 5/20/92

AFFIDAVIT SAMPLE NO.

STATE OF New York COUNTY OF Suffolk

Before me, Beverly J. Kohen, a duly authorized employee of the Consumer Product Safety Commission, appropriately designated by the Chairman of said Commission pursuant to provisions of the Consumer Product Safety Act (sec. 27 (b)(2), 86 Stat. 1228; 15 U.S.C. 2076 (b)(2)), to administer or take oaths, affirmations, and affidavits, personally appeared Michael Seiler in the county and State aforesaid, who, being first duly sworn, deposes and says:

I, Michael Seiler, Controller of Tara Toys Corp., located at 40 Adams Ave, Hauppauge, NY 11788, am knowledgeable of the daily operations of this firm.

On May 20, 1992, Beverly J. Kohen witnessed the destruction of 8,124 units of the Sesame Street Push Power Assortment, style # 75110. The units were destroyed at our facility by compaction.

Any other returns that we receive will be held for a destruction ~~and~~ witnessed by Ms. Kohen on a future date.

AFFIANT'S SIGNATURE & TITLE Michael Seiler, Controller

FIRM (Name and address, include ZIP Code) Tara Toy Corp, 40 Adams Ave, Hauppauge NY 11788

Subscribed and sworn to before me at Hauppauge, NY (City and State)

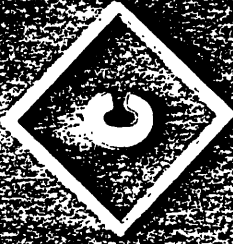
this 20 day of May, 1992

Beverly J. Kohen (Employee's Signature)

EMPLOYEE OF THE CONSUMER PRODUCT SAFETY COMMISSION ACTING IN ACCORDANCE WITH AUTHORITY GRANTED IN THE ABOVE STATED DECLARATION.

197

Memories



QUALITY FILM DEVELOPING

198

U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 5/20/82	3. FROM (Area Office and Address)
2. TIME A.M. 2 P.M. 30	

4. TO	A. NAME AND TITLE OF INDIVIDUAL Michael Sailer, Controller
	B. FIRM NAME Tara Toys
	C. NUMBER AND STREET ADDRESS 40 Adams Ave.
	D. CITY, STATE AND ZIP CODE Hauppauge, NY 11788

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information: to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.

7. SIGNATURE (Authorized CPSC Official)

[Signature]

199