


*Jeann*

4-24-97

1. TASK NUMBER 970114CCC5206		2. INVESTIGATOR'S ID 8944		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. OFFICE CODE 820	4. DATE OF ACCIDENT YR MO DAY 96/12/29	5. DATE INITIATED YR MO DAY 97/02/05		
6. SYNOPSIS OF ACCIDENT OR COMPLAINT      0 29116 18500 5 An 8 year old male was playing with a flying toy in the basement of his home [REDACTED] [REDACTED]. When he pulled the string which made the toy fly, the figure split apart throwing the one wing into his front teeth. The victim's mother took him to the dentist the following day and reconstructive work was done on his broken front teeth. <i>11/15/97 Father telecon: arm came out of socket</i>				
7. LOCATION (Home, School, etc.) Home      10		8. CITY Perry Hall		9. STATE Maryland
10A. FIRST PRODUCT Toy    1317		10B. TRADE/BRAND NAME Tara Toy Corp.		10C. MODEL NUMBER 18500
10D. MANUFACTURER NAME AND ADDRESS Tara Toy Corp. Hauppauge, N.Y. 11788				
11A. SECOND PRODUCT None		11B. TRADE/BRAND NAME N/A		11C. MODEL NUMBER N/A
11D. MANUFACTURER NAME AND ADDRESS N/A				
12. AGE OF VICTIM 008		13. SEX Male    1		15. INJURY DIAGNOSIS Dental Injury 60
14. DISPOSITION Treated and Released    1		16. BODY PART (S) INVOLVED    Teeth 88		17. RESPONDENT Complainant 1
18. TYPE OF INVESTIGATION On-site    1		19. TIME SPENT (OPERATIONAL HOURS) 12.5		20. ATTACHMENT(S) None    0
21. CASE SOURCE Consumer Complaint    07		22. SAMPLE COLLECTION NUMBER None		
23. PERMISSION TO DISCLOSE NAMES (NON NEISS CASES ONLY) No				
24. REVIEW DATE		25. REVIEWED BY		26. REGIONAL OFFICE DIRECTOR
27. DISTRIBUTION O:EHDS CC:MASC/CCA				

*> Seam split after 3rd flight arm flew into floor*  
  
*11/15/97 - father: arm came out of socket*  
**368**

CPSC FORM 182 (REVISED 12/96)

OMB NO. 3041-0029

970114CCC5206

**PRE-INCIDENT:**

Information concerning this incident was provided by the victim's mother, on-site at their home in Perry Hall, Maryland. The victim is a 8 year old male who resides in a 3 story single family town house with his brother, mother, and father.

On Saturday, December 28, 1997, the victim and his family visited relatives in Taneytown, Maryland. Both the victim and his brother each received a "Flying Warrior" toy from their aunt. Both toys were purchased new and at the same time from "Toy Works" in Westminster, Maryland. The "Flying Warrior" toy is a futuristic pistol style gun that has a styrofoam dart that fits on the muzzle of the pistol. There is an action figure of a man in a space costume with wings for arms. The arms move up and down from the figures sides. This figure fits into a round hole on the top of the pistol. When a retractable pull cord on the back of the pistol is pulled, the figure spins up into the air and the arms/wings open up and the figure spins like a helicopter to the ground. The styrofoam dart can be fired at the figure in flight by squeezing the pistol grip. It was too cold for the brothers to play with their flying toys outside, so they victim's toy was not used that day.

On the following day, Sunday December 29, 1997, the victim and his brother were playing with their flying toys on the first floor of their home. The weather was still cold and overcast, so they were playing in the house.

**INCIDENT:**

The victim launched his figure approximately 2 times without incident. On the third attempt, the victim pulled the retractable pull cord which launches the figure. As the figure started to spin into the air, the plastic figure split down the seam throwing the figures plastic arm/wing at the victims face. The arm/wing hit the victim in the mouth breaking the victims upper 2 front teeth.

**ST-INCIDENT:**

The victim ran upstairs to the kitchen where his mother was, and showed her what had happened. The victim's brother had gathered up the broken fragments of the victim's teeth and brought them upstairs to his mother. The victim's mother called her pediatrician and informed her to contact her dentist. She then contacted their dentist and

970114CCC5206

He made an appointment for the following day at 8:00 am. During their dental appointment, the dentist x-rayed the victim's teeth and found that the nerves were not damaged. The teeth were then capped with a resin material. The dentist informed the victim's mother that the chemicals in the resin used to cap the victim's teeth may start to kill the nerves, but they did not know for another 6 months. The victim has a follow up appointment in July of 2011. At this appointment it will be determined whether the victim will need a root canal or

Page 3 of 3

The victim's mother has contacted the manufacturer of the toy and was referred to the insurance company. The insurance company for the firm is: Fireman's Fund Insurance Company. The insurance company and the victim's mother are waiting for all dental bills to be presented to the insurance company before settling the claim. The victim's mother has not decided what to do with the toy at this point. She is holding the toy until the claim is settled. I was able to photograph the broken toy and the unbroken toy that was the brother's, but was unable to obtain the toy as a sample. Immediately after the incident, the victim's mother would not allow the victim's brother to play with his "Flying Warrior" toy. She is afraid the same thing may happen with the unbroken toy.

**PRODUCT IDENTIFICATION:**

The toy is known as a "Flying Warrior" toy which is distributed by "Tara Toy Corporation", Hauppauge, N.Y. 11788. Both the action figure and the packaging state, "Made in China". The model number is: 18500, and the SKU on the packaging is: "018500 5". The action figure is approximately 7" tall and has a wing span of approximately 9" and is made of plastic with a seam running up each side of the figure. The front half of the figure is glued to the rear half. The arm/wing that struck the victim is approximately 5" long.

**STANDARDS:**

The toy does not meet the current CPSC standards for toys intended for children under the age of 3.

370

# 201

ACCIDENT INVESTIGATION REQUEST FORM

Document Number X9710078A  
 Date of Incident 12/29/94 Category I.D. SECT JK 1997  
 Follow-Up Requested \_\_\_\_\_ Hazard Analysis Section 15  
 Type Follow-Up Requested \_\_\_\_\_ Telephone Call On-Site  
 Headquarters Contact Team Kennedy

Assignment Message Please conduct an on-site investigation on the attached incident. Collect the sample if its still available.

Person(s) to Contact Eric [redacted]  
[redacted]  
Perry Hall, MD 21128  
[redacted]

Guideline \_\_\_\_\_

Requested By \_\_\_\_\_  
 Task Number 970114 OCC 1000  
 Assigned to MASC Date 970113

Author: Marc J. Schoem at CPSC-HQ2  
Date: 1/2/97 10:59 AM  
Priority: Low  
TO: Theresa D. Rogers  
TO: Robert G. Poth  
TO: Frank J. Krivda  
Subject: Internet form incident report

X971 0078

----- Message Contents -----

FYI - I received from Murray Cohn - internet complaint - Marc

Forward Header

Subject: Internet form incident report  
Author: Murray S. Cohn at CPSC-HQ1  
Date: 12/31/96 8:57 AM

ISSUE 1.6

Mon Dec 30 22:01:52 EST 1996

→ Wednesday evening  
9:00am.  
March 12

JAN 7 4 1997

Name = Eric  
Address [redacted]  
City = Perry Hall  
State = Md  
Zip = 21128  
Email = [ewarlingmail@cpbplib.md.us](mailto:ewarlingmail@cpbplib.md.us)  
Telephone [redacted]  
Name of Victim = Christopher  
Victim's Address [redacted]  
Victim's City [redacted]  
Victim's State = Md  
Victim's Zip = 21128  
Victim's Telephone = [redacted]

FLY

Incident Description: Our 8 year old son was playing with a toy he had received for Christmas when a piece of the toy flew off and struck him in the mouth breaking off his two front teeth at the roots. The toy is called "Flying Warriors" and is made of plastic. It consists of a plastic launcher and a plastic figure that is mounted on top of the launcher. The figure has two arms/wings that hang down at the figure's sides until it is launched. Then the wings spread as the figure is launched into the air. The figure then glides back down to the ground. While playing with the toy it apparently became cracked where the two halves of the figure are glued together. This caused one of the arm/wings to pull out of its socket after it was launched and strike our son in the mouth. Our son is seeing a dentist to have his front teeth reconstructed. Any info or help in this matter would be greatly appreciated. Thank you.  
Eric and Barbara Martin

Victim's age = 8  
Victim's sex = Male  
Date of incident = 12/29/96  
Product involved = Flying Warrior plastic figure and launcher  
Product brand name/manufacturer = Tara Toy Corp.  
Product involved still available = Yes  
Product model and serial number = 18500  
Date product purchased = before Christmas

Please assign  
I O I  
Collect Foy  
Jean Kennedy, OO

970114 CCC 5204

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U. S. CONSUMER PRODUCT SAFETY COMMISSION

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AUTHORIZATION FOR RELEASE OF NAME

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

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

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

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

My identity is to remain confidential.

Barbara [REDACTED]

(Signature)

3/12/97

(Date)

Investigation Report - Analyst's Comments

①

Task No. 970114 CCC 5206 Regional Office MASC  
Product Code 1317 Investigator ID 8944  
Category SECTJA 1997 Hours Reported 12.5

Comments

*Meets E.P.D.S. requirements.  
Narrative presents full details of accident.*

Reviewer J Taylor Date 4-24-90

If you believe the identified deficiencies require contacting investigator/victim and requesting further information, please check the box and sign here.

Signature

10  
21

JAN 6 1997

1 UE

15'

CONSUMER PRODUCT INCIDENT REPORT

Region: MASC

1. NAME OF RESPONDENT Barbara [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED] unknown
3. STREET ADDRESS [REDACTED]	4. CITY STATE ZIP CODE Perry Hall MD 21128

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES  
 Son launched hard plastic toy figure into air as instructed, figure separated at glued seam, and its hard plastic left wing detached from figure's body while 5' in air. Toy figure's wing struck son in mouth and fractured his top front two teeth; consumer applied pressure to son's gum to stop bleeding; no Rx required. Consumer discontinued son's use.

-cont-

6. DATE OF INCIDENTS 12/29/96	7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 8 Y/M fractured 2 top front teeth	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP Christopher son
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9. DESCRIPTION OF PRODUCT 11.5" tall hard plastic flying toy	10. BRAND NAME Flying Warriors
---	-----------------------------------

11. MER/DISTRIBUTOR NAME, ADDR. & PHONE Tara Toy Corporation unknown Hauppauge, NY 11788 unknown unknown	12. MODEL, SERIAL NUMBERS M #18500	13. DEALER'S NAME, ADDRESS & PHONE Toy Works unknown Taneytown, MD 21787 unknown
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14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES x NO IF YES, BEFORE OR AFTER THE INCIDENT? after DESCRIBE: damaged: see narrative	15. PRODUCT PURCHASED NEW x USED DATE PURCHASED 12/28/96 AGE 1 day	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: "For ages 5 and up."
---	---	---

17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO x IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO x OTHER?	18. IS THE PRODUCT STILL AVAILABLE? YES x NO IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES x NO
--	--	---

FOR ADMINISTRATION USE

20. DATE RECEIVED 01/02/97	21. RECEIVED BY (NAME & OFFICE) pyr/HL	22. DOCUMENT NO. H9710011A
23. FOLLOW-UP ACTION 970114 @ @ @ 5206		24. PRODUCT CODE(S) 1317
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE CCH 1/3/1997	

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ACCIDENT INVESTIGATION REQUEST FORM

Document Number X9710078A

Date of Incident 12/29/94 Category I.D. SECT JK 1997

Follow-Up Requested  Hazard Analysis  Section 15

Type Follow-Up Requested  Telephone Call  On-Site

Headquarters Contact Tom Kennedy

Assignment Message Please conduct an on-site investigation on the attached incident. Collect the sample if its still available.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person(s) to Contact Eric [redacted]

[redacted]  
Perry Hall, MD 21128  
[redacted]

Guideline \_\_\_\_\_

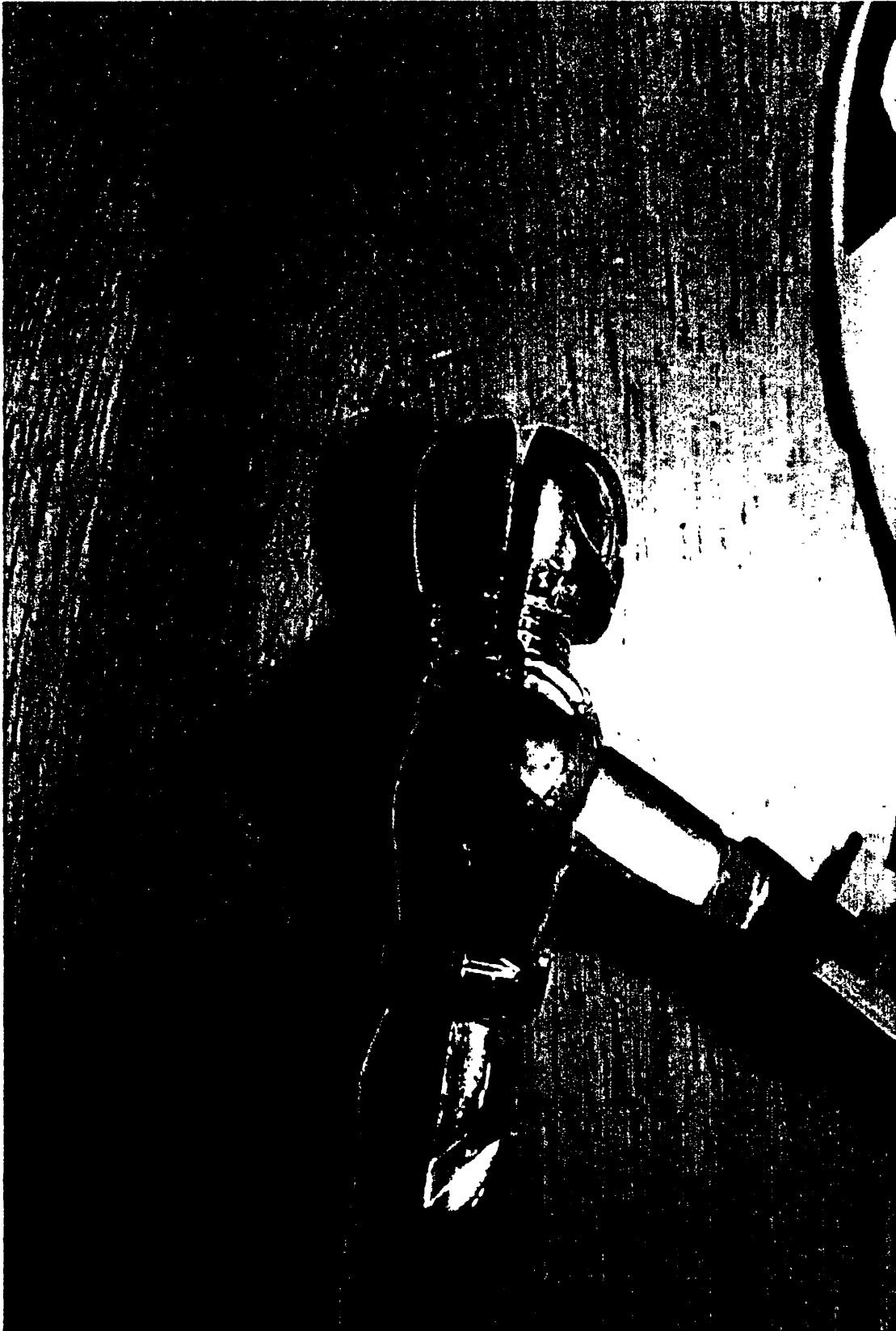
\_\_\_\_\_

Requested By \_\_\_\_\_

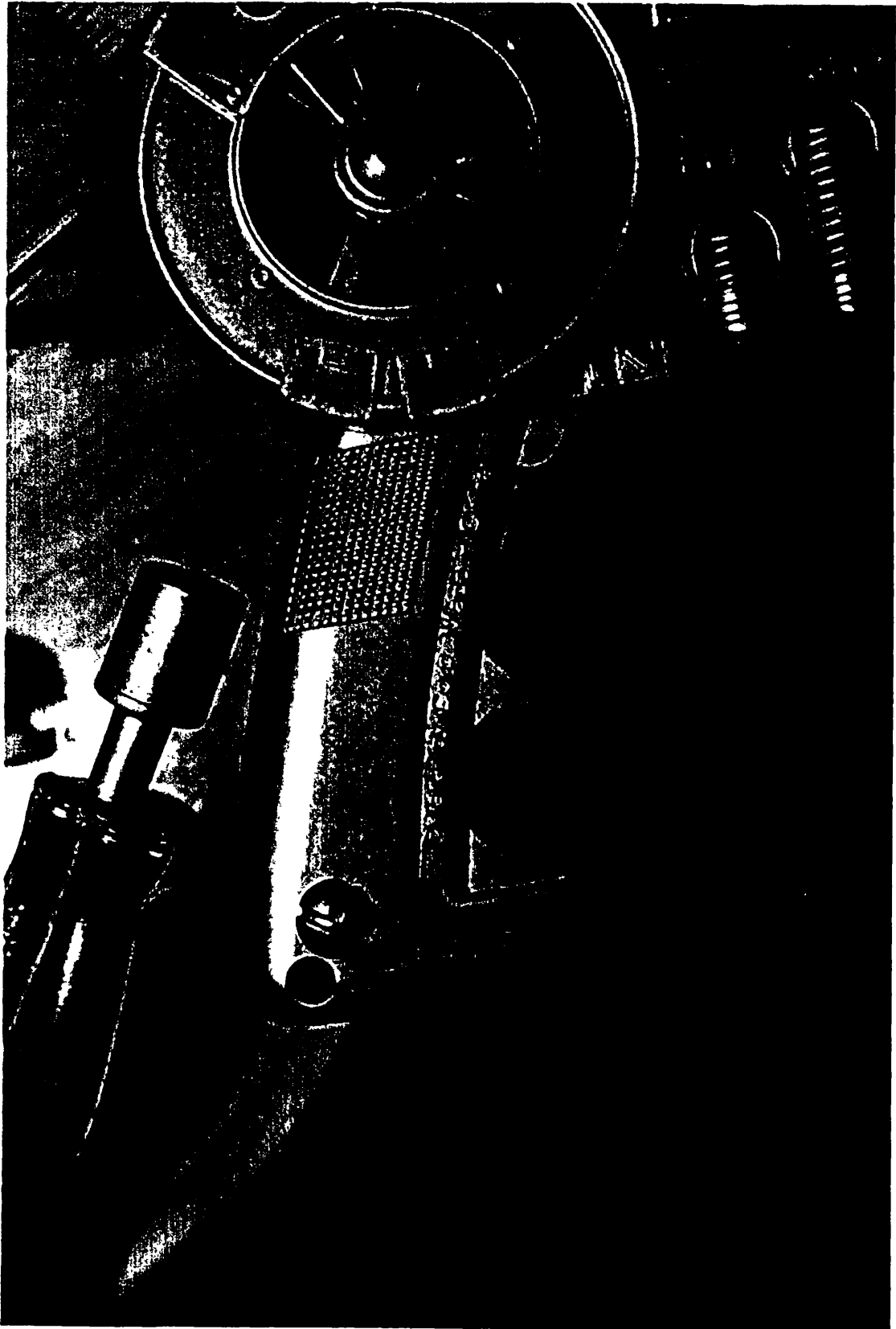
Task Number 970114 CCC 5206

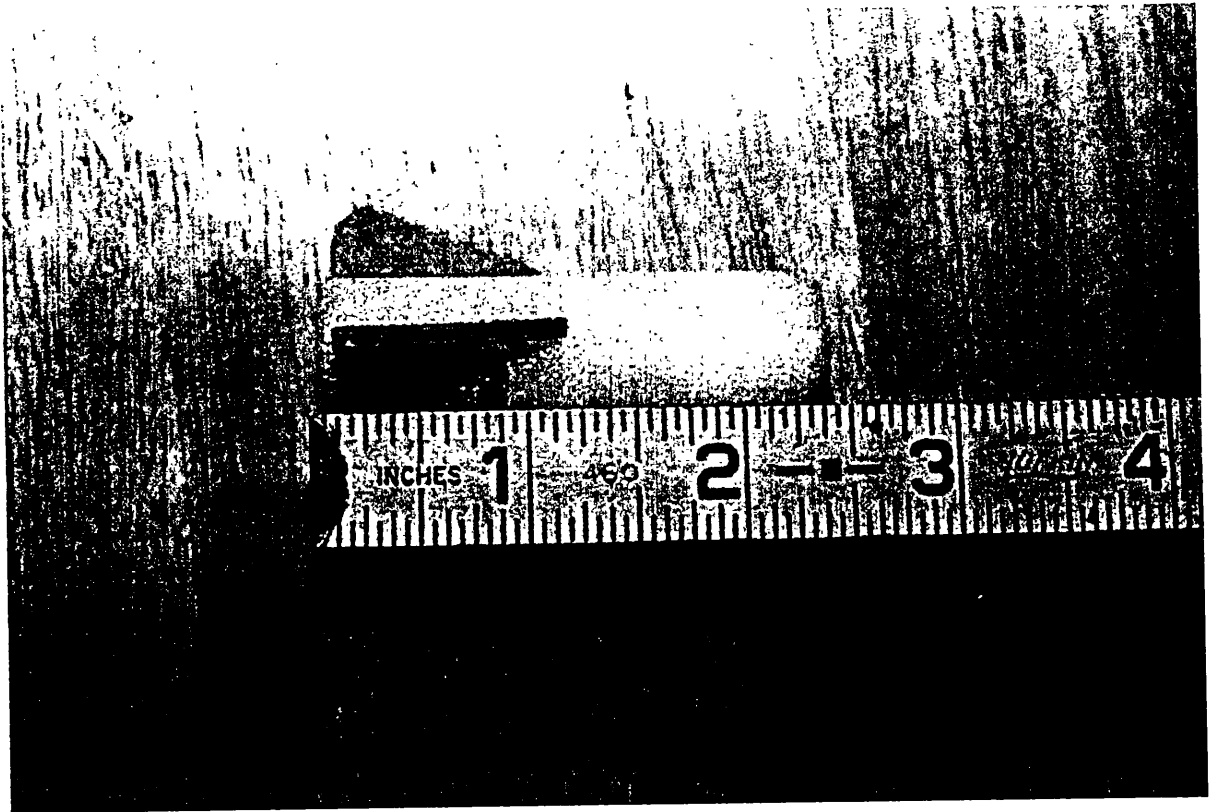
Assigned to MASC Date 970113

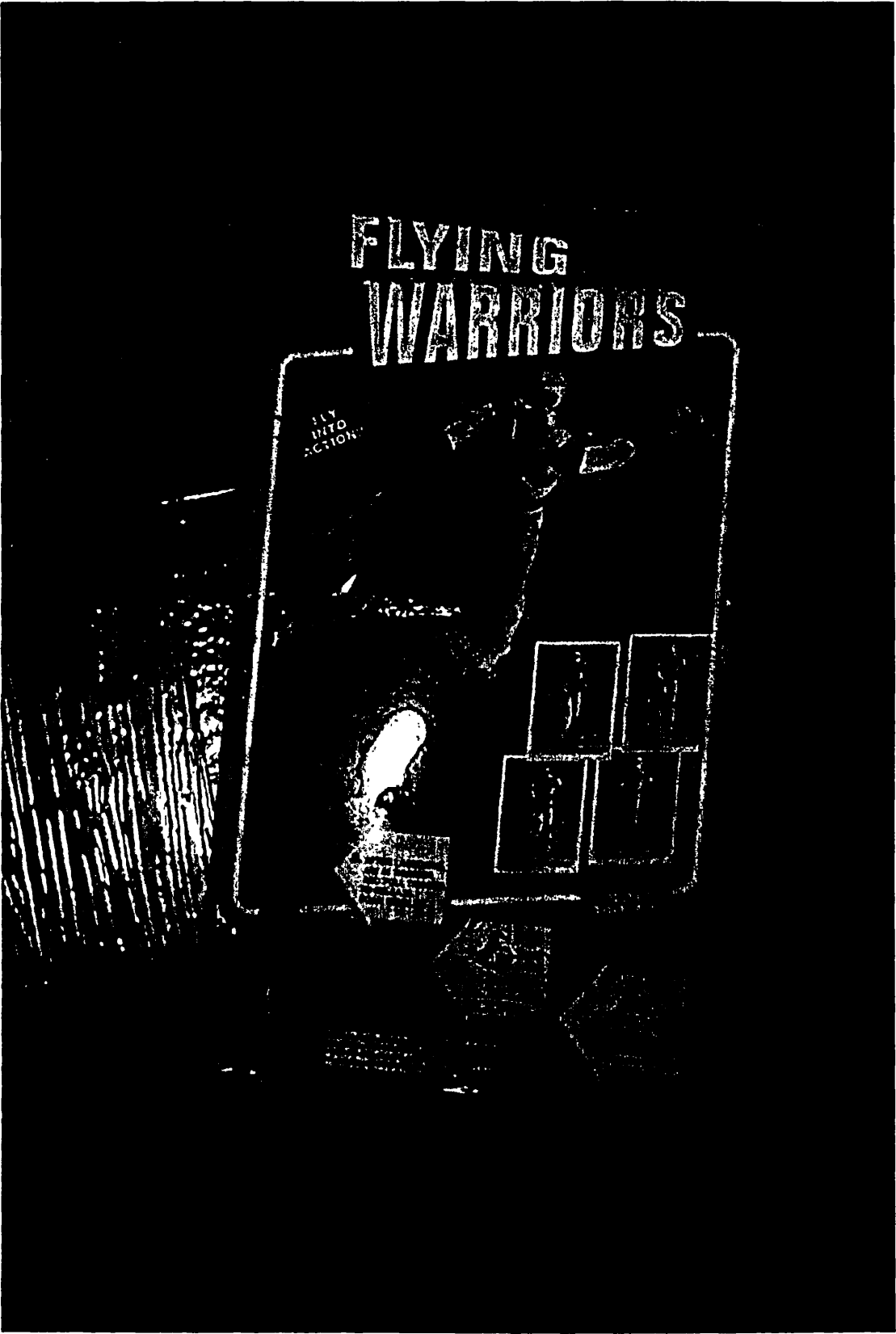
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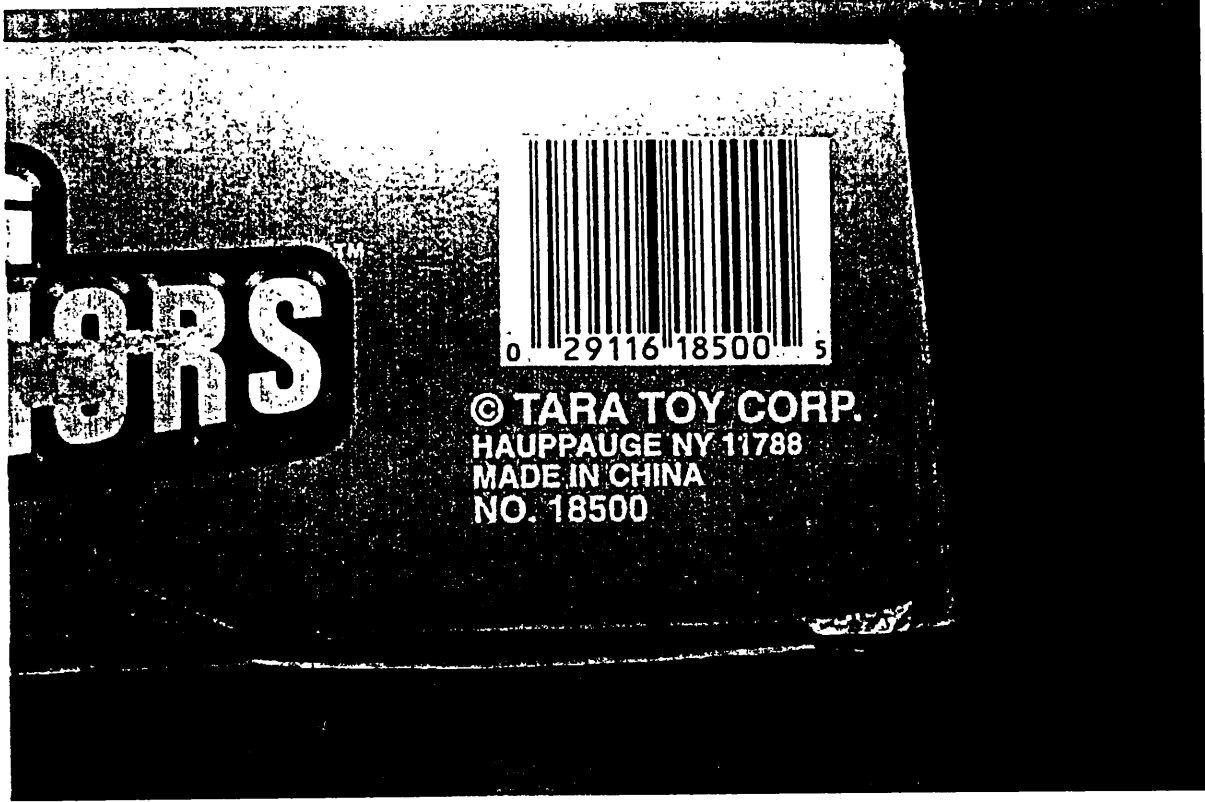








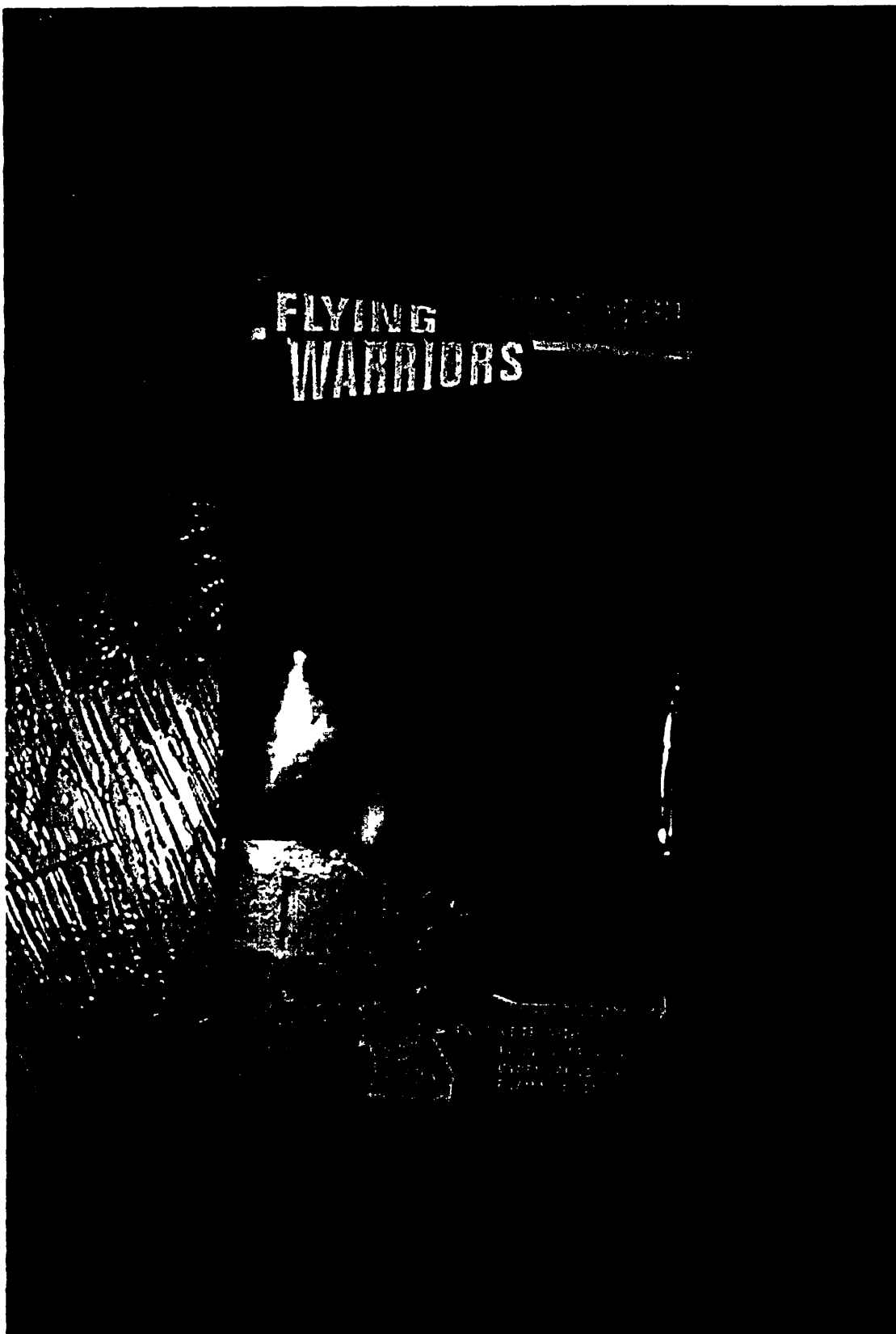




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© TARA TOY CORP.  
HAUPPAUGE NY 11788  
MADE IN CHINA  
NO. 18500

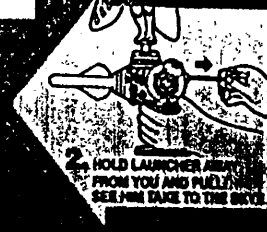
# FLYING WARRIORS



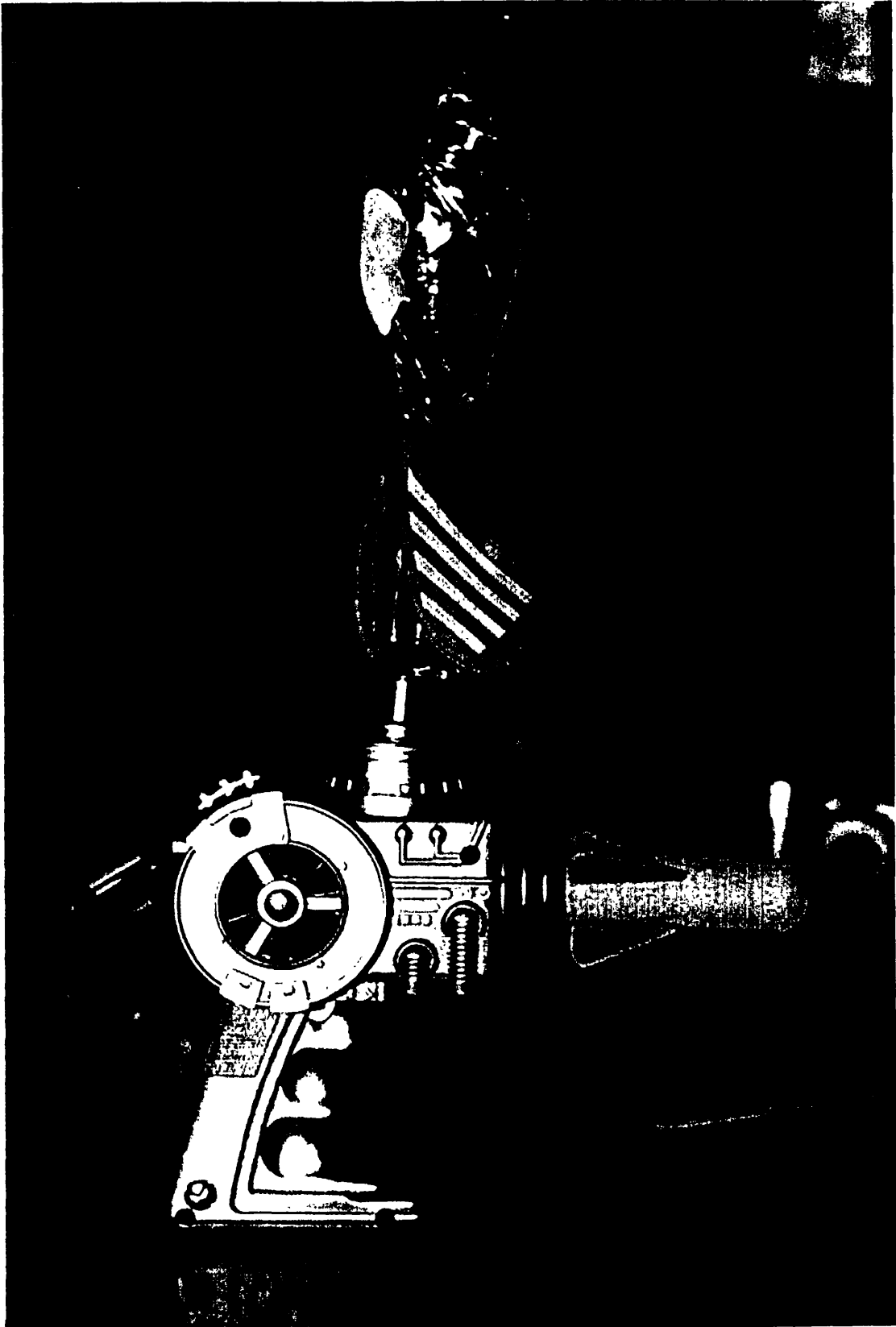


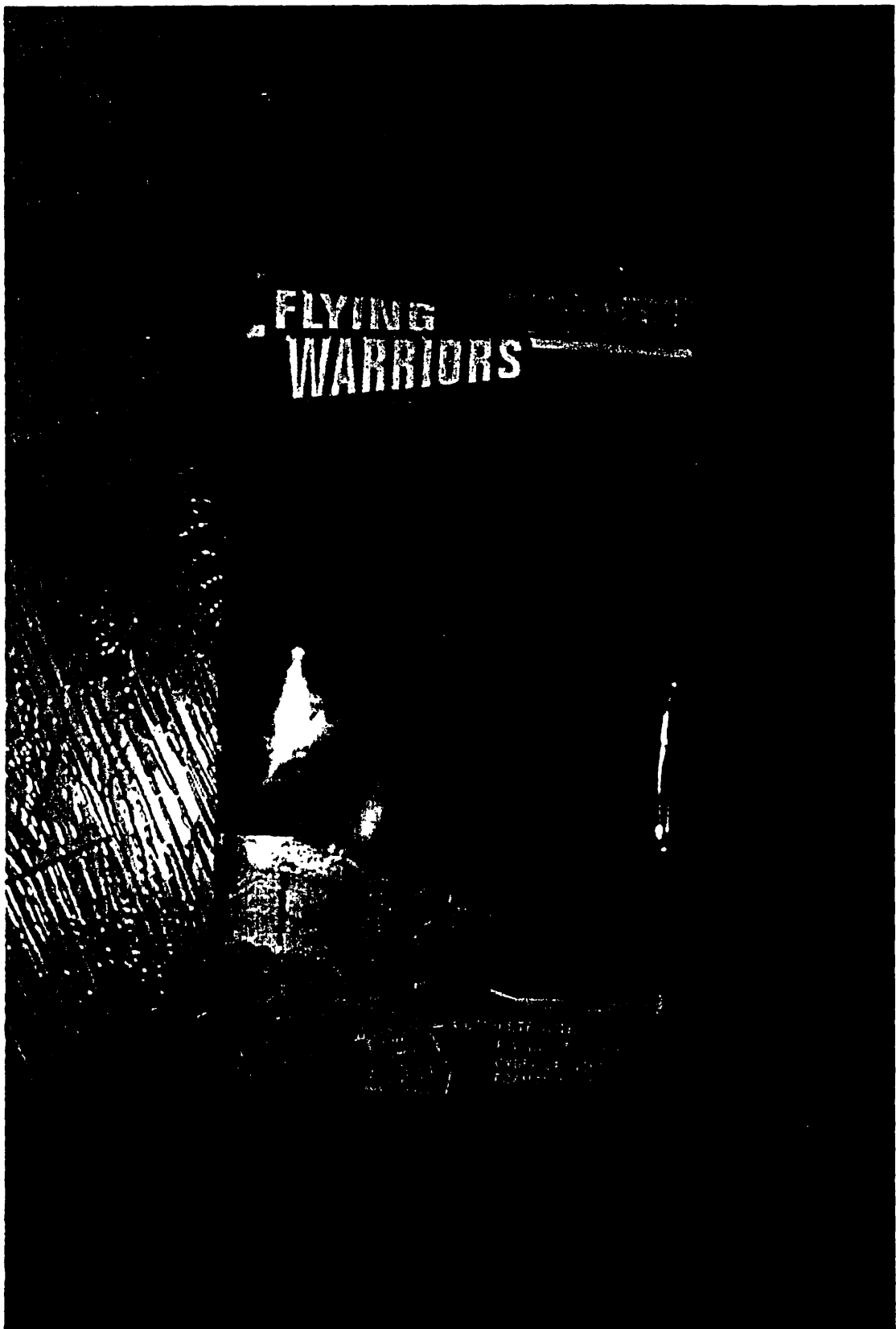
...ION,  
...LL TRIGGER  
...PLEASE  
...FOAM MISSILE!!

COLLECT  
THEM ALL



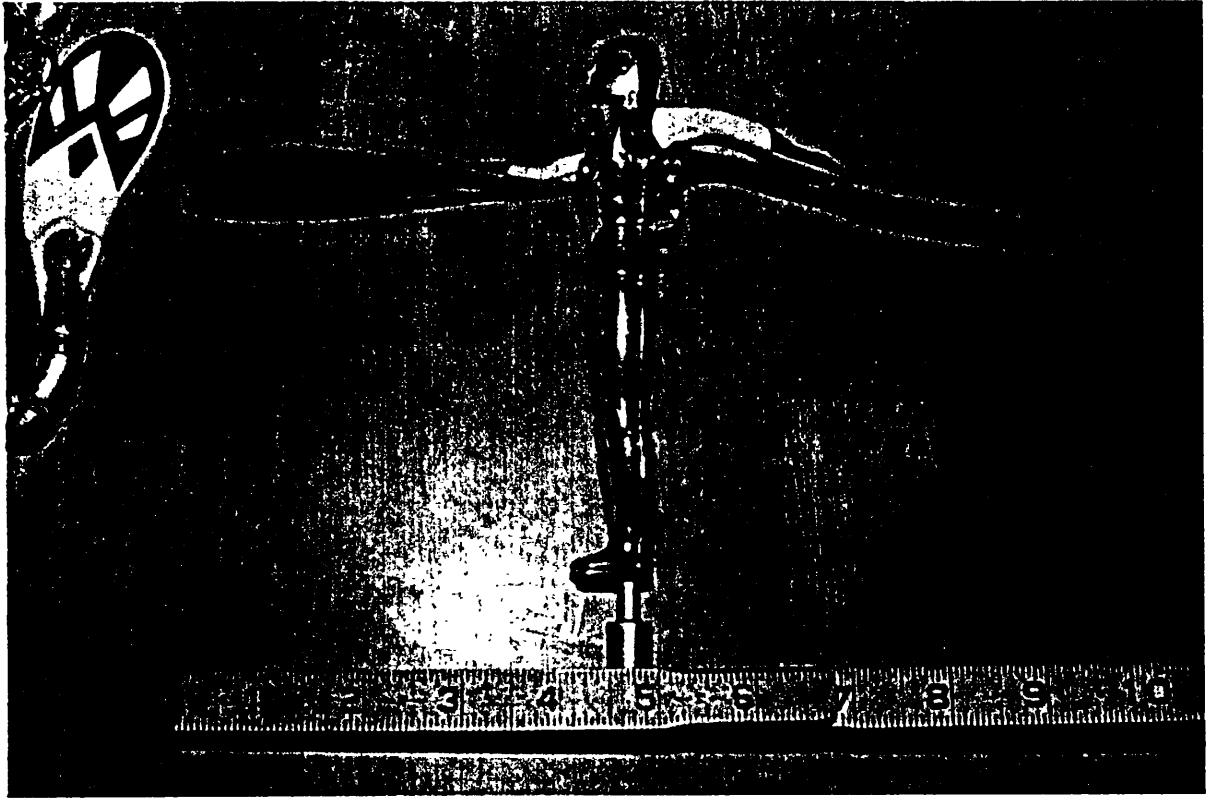
CAUTION: DO NOT LAUNCH AT PEOPLE OR ANIMALS  
CONFORMS TO ASTM-F947-93  
COLORS & CONTENTS MAY VARY  
PLEASE REMOVE PLASTICS THAT SECURE PRODUCT  
TO PACKAGE. THIS IS NOT PART OF THE TOY.



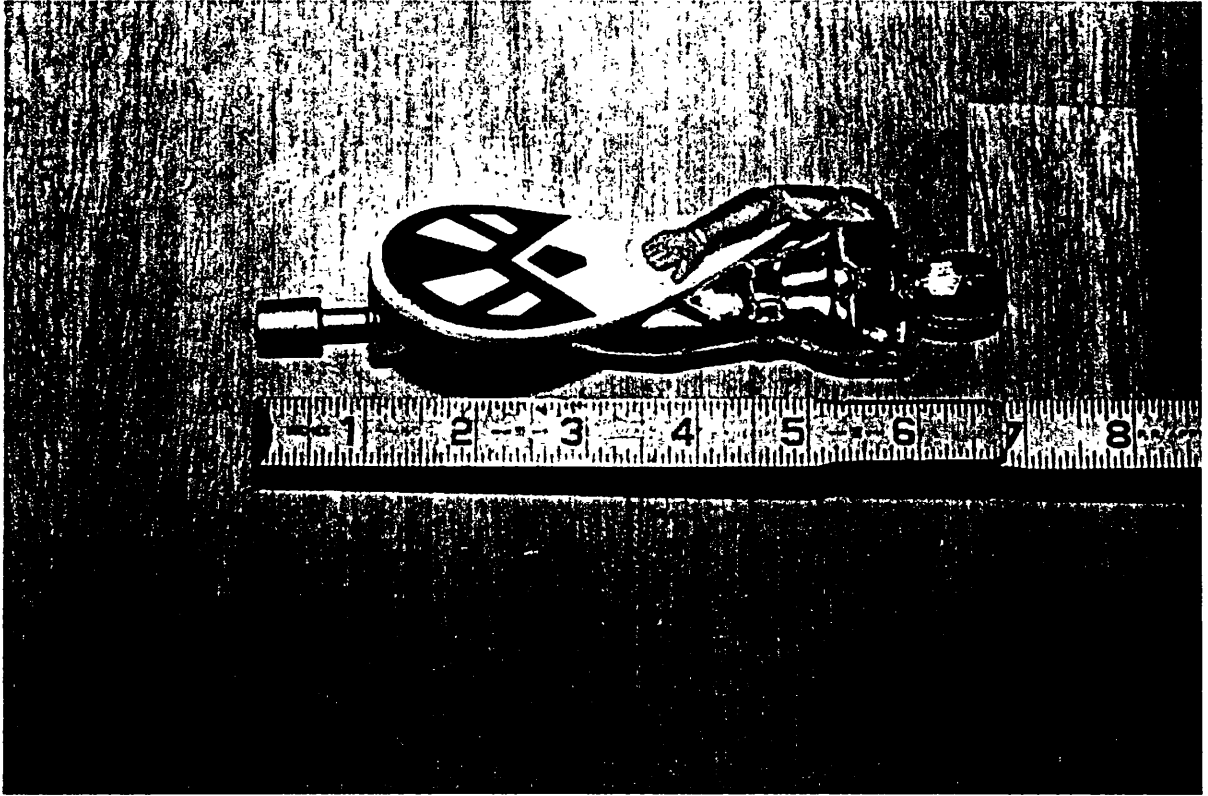


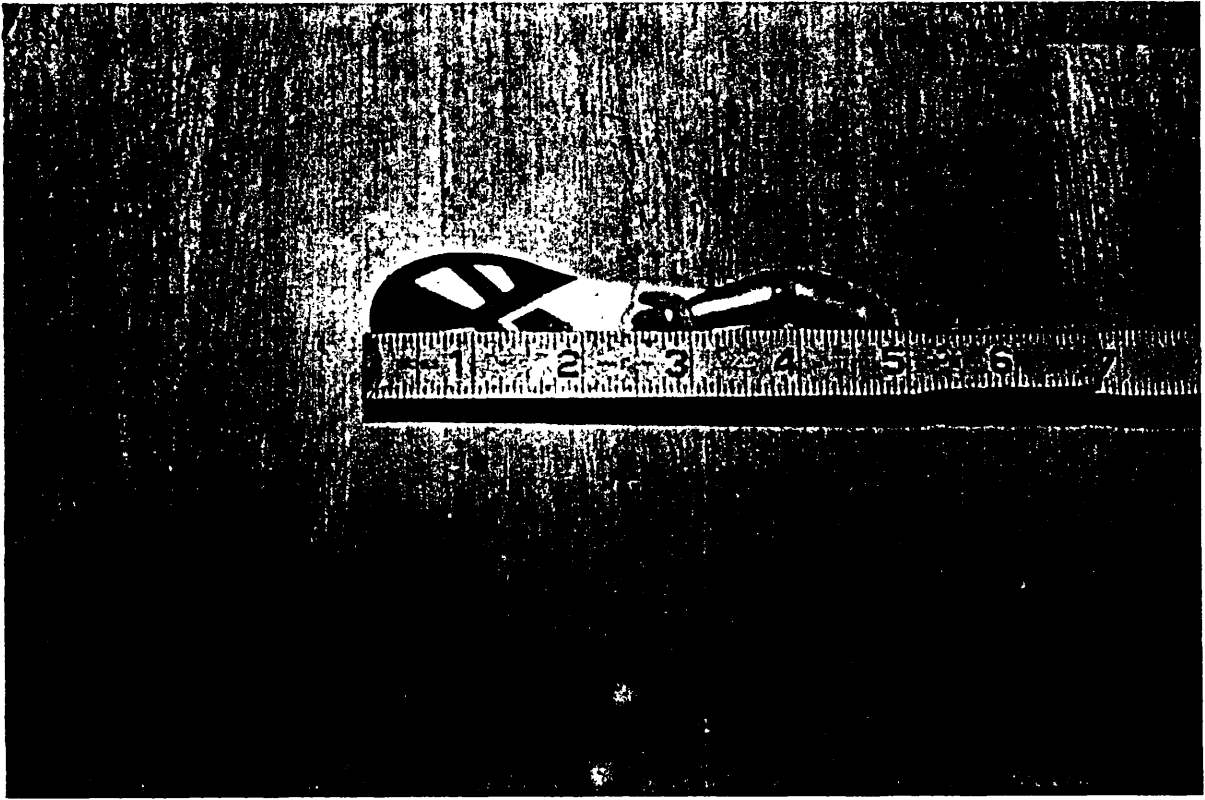
FLYING  
WARRIORS



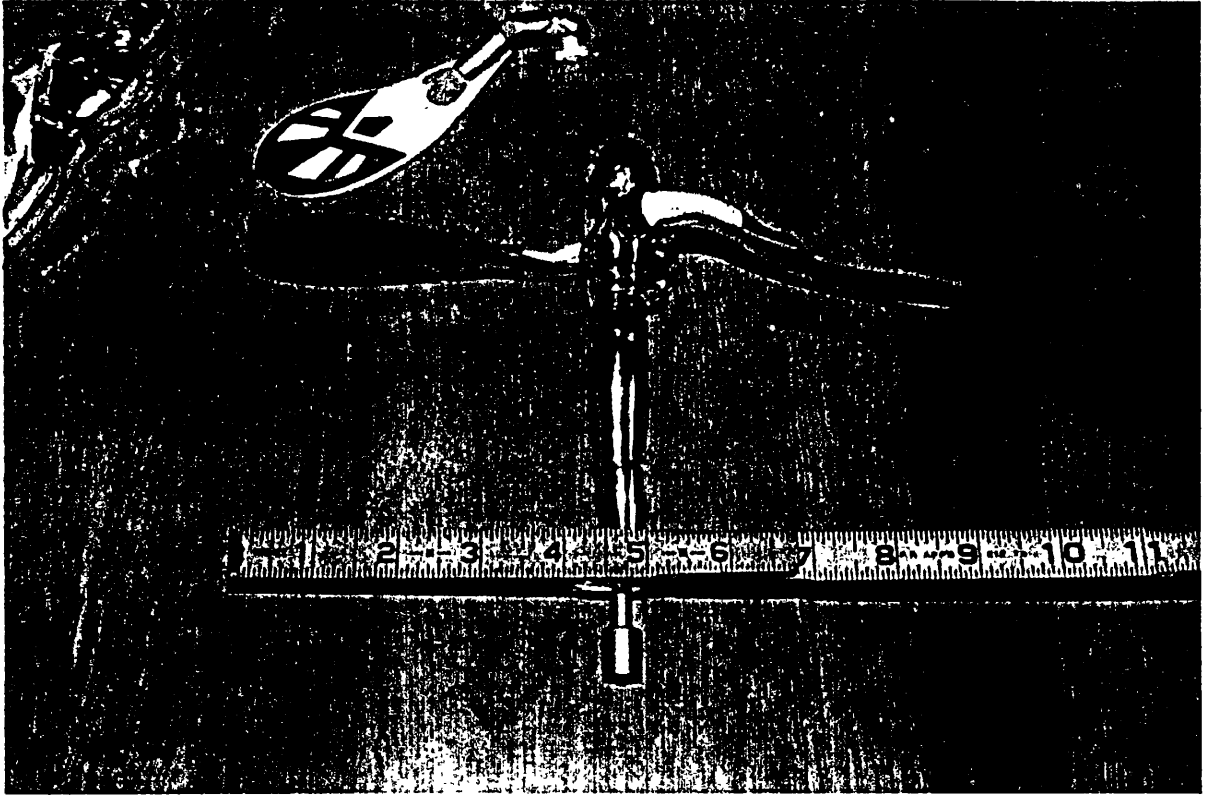


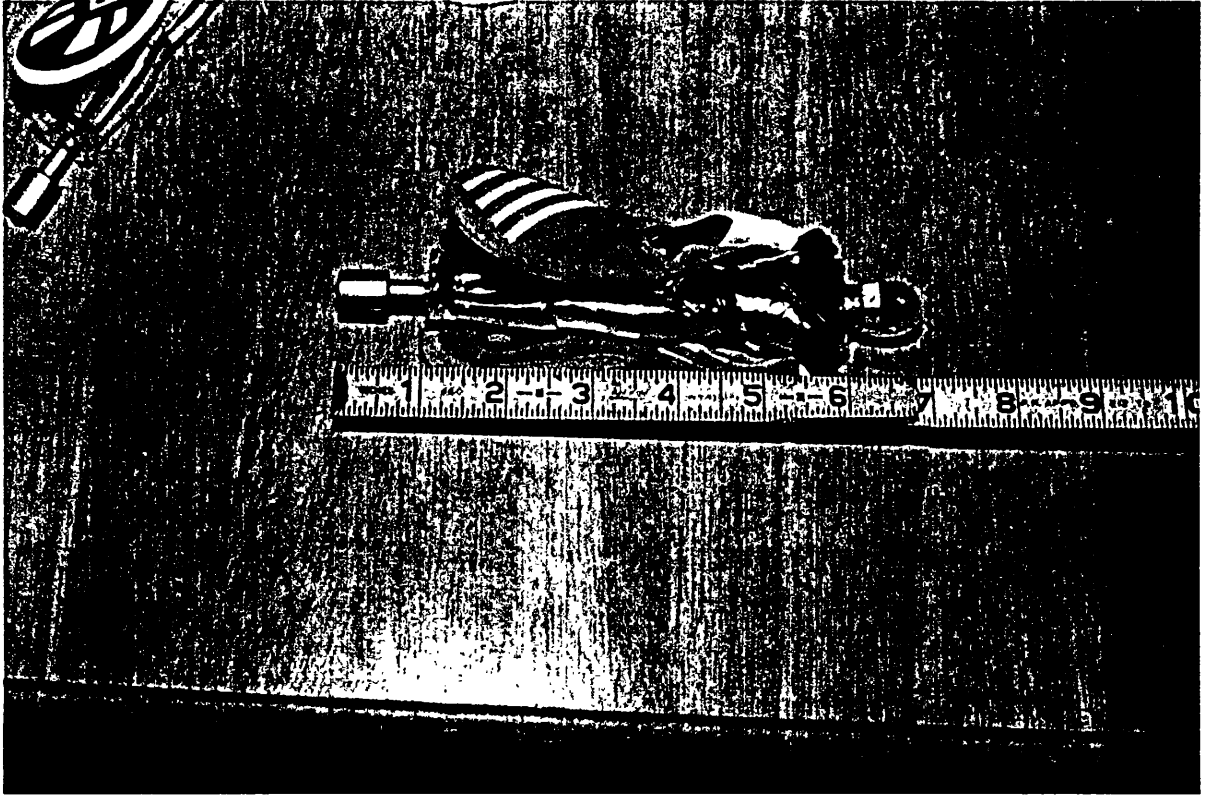


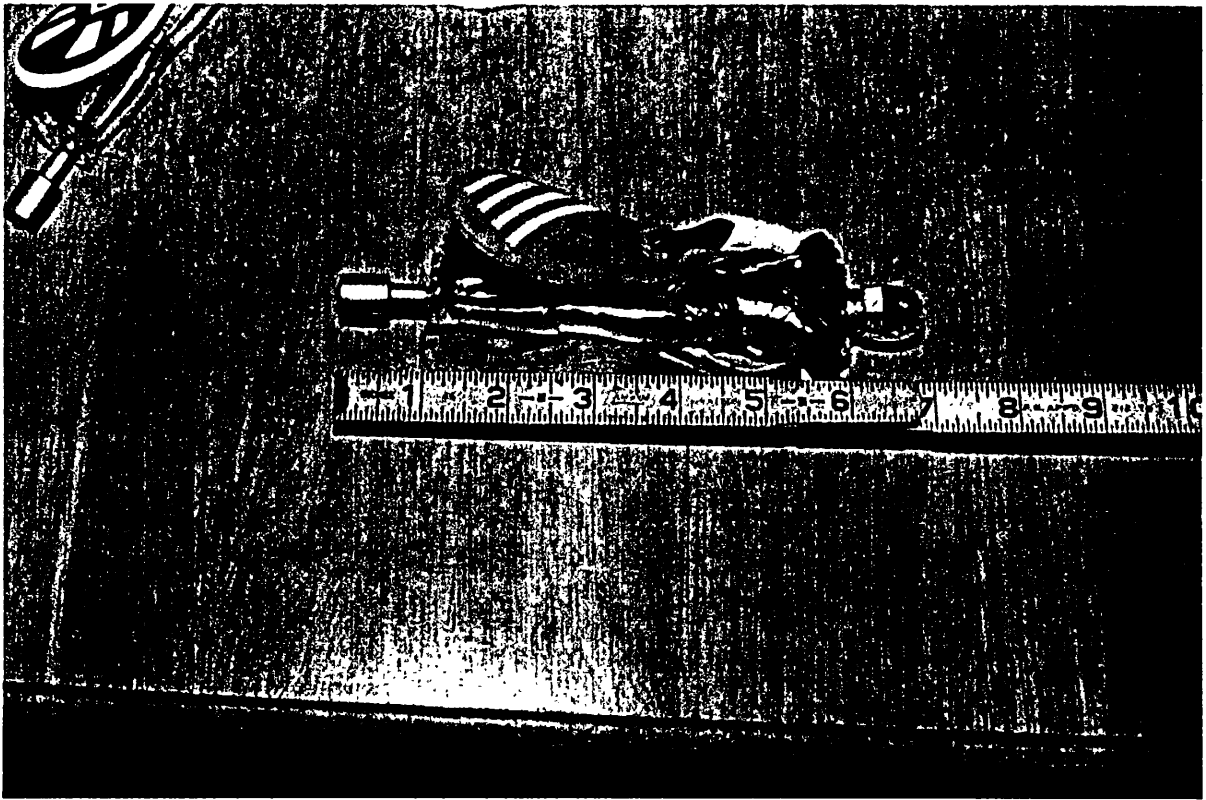


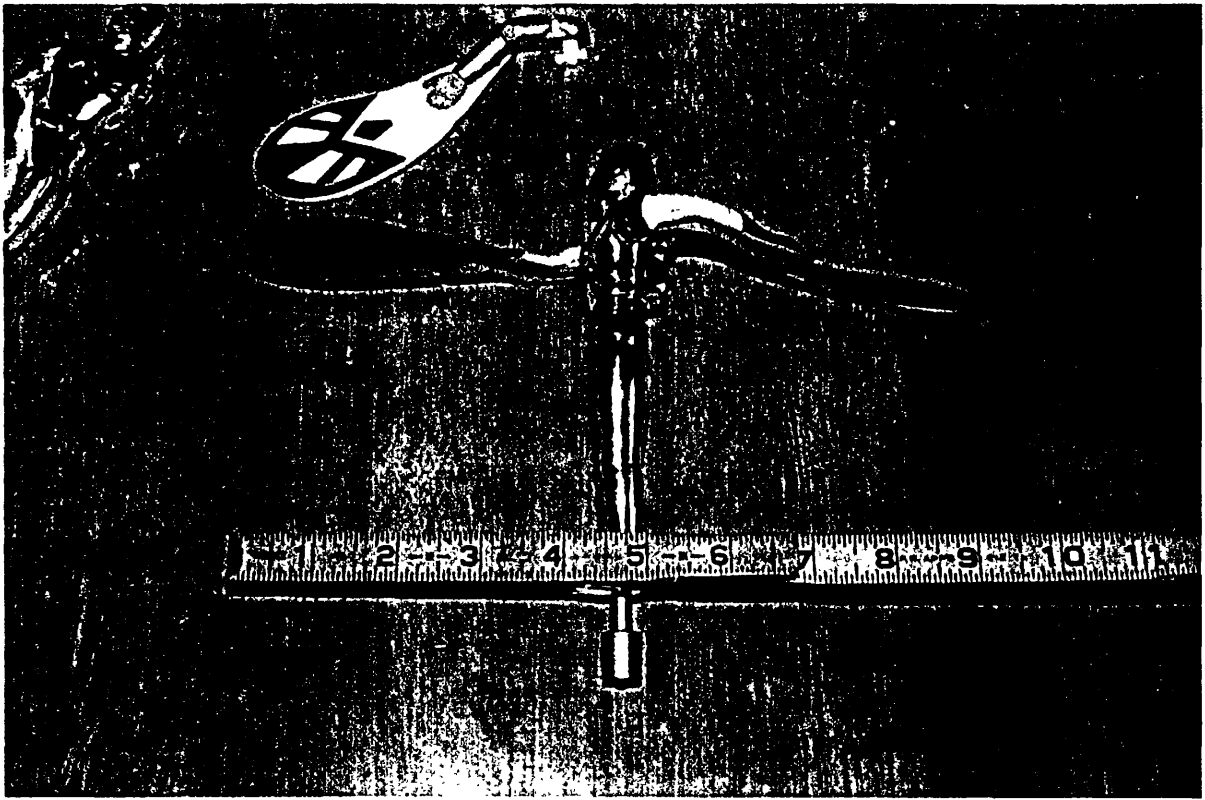




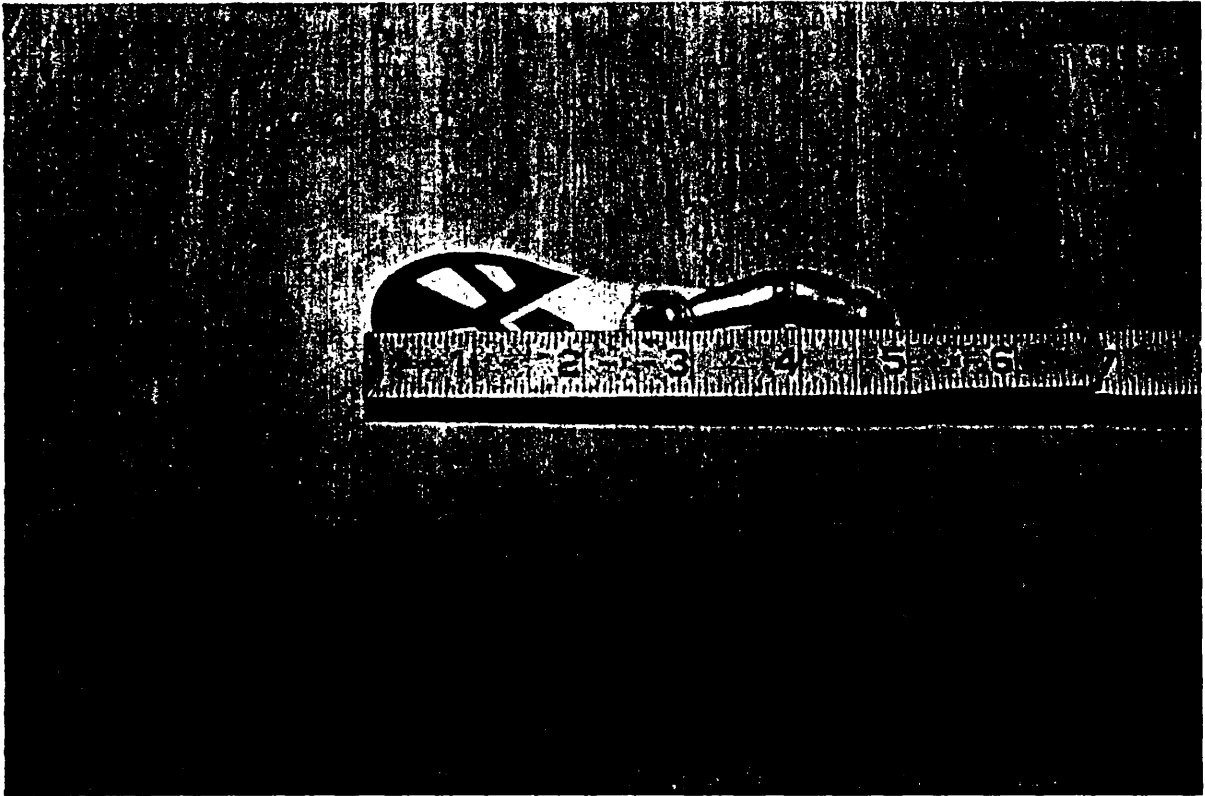


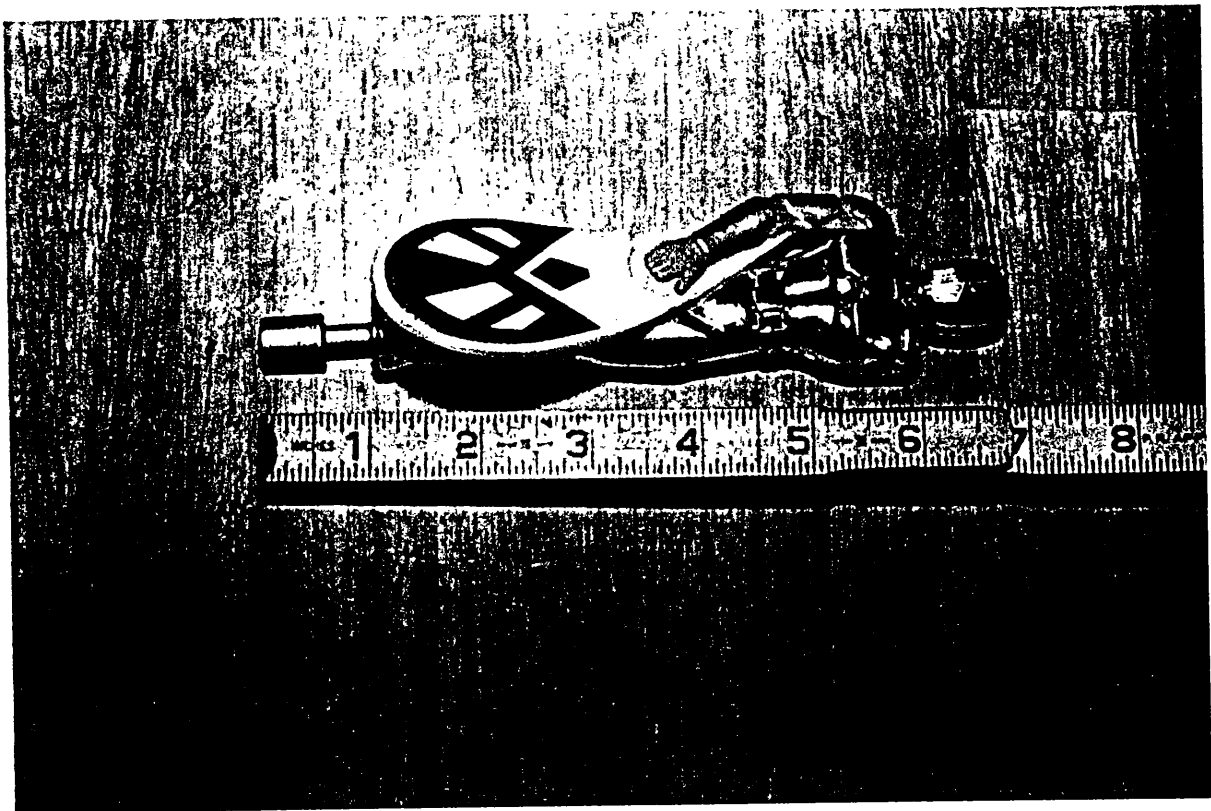


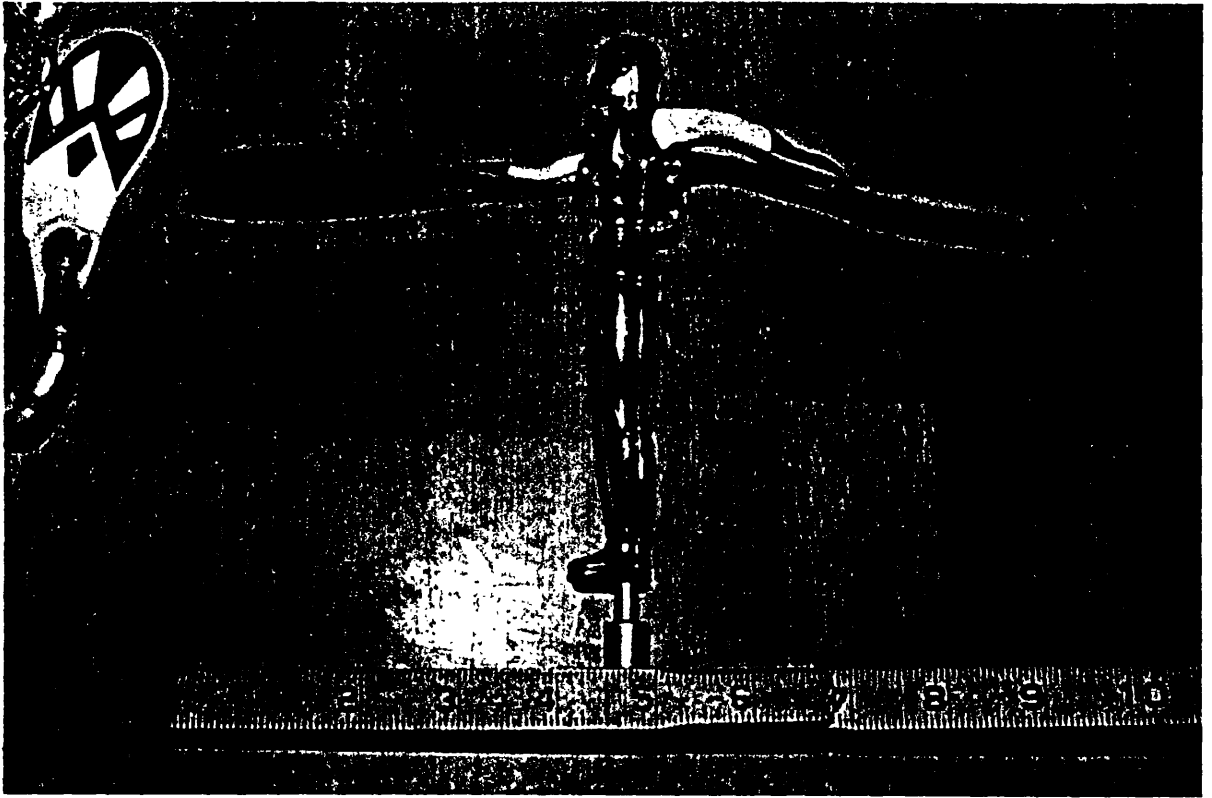


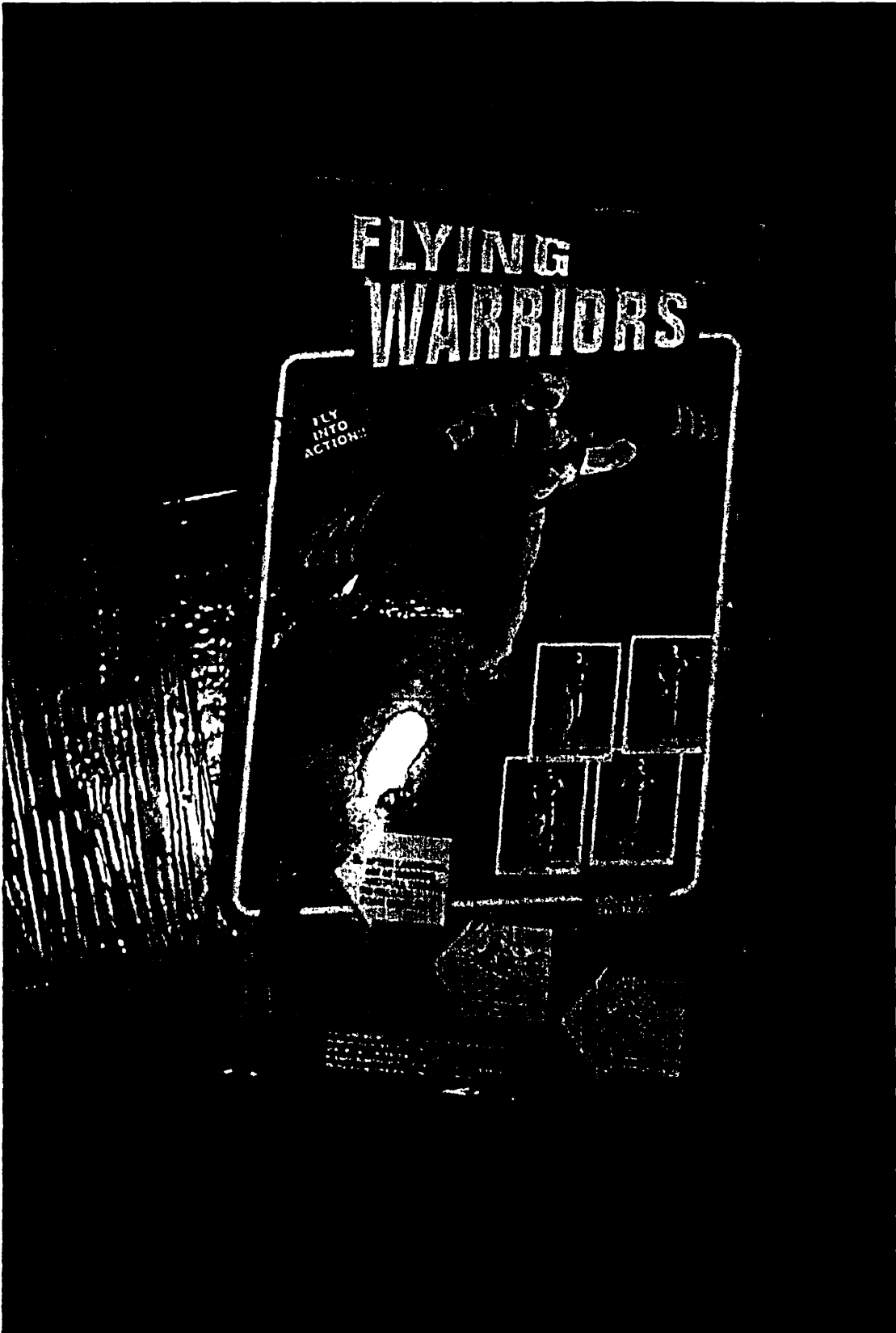


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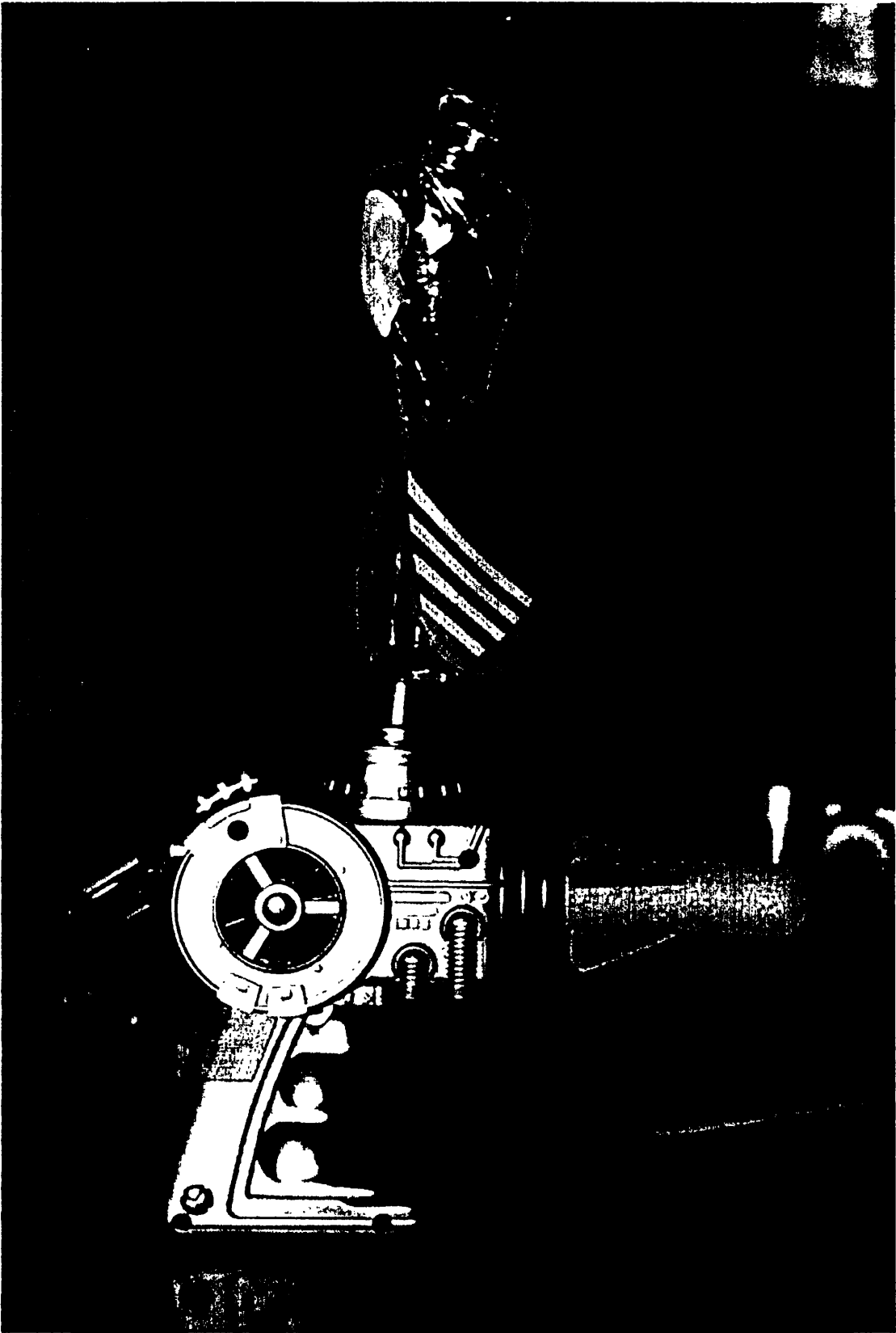


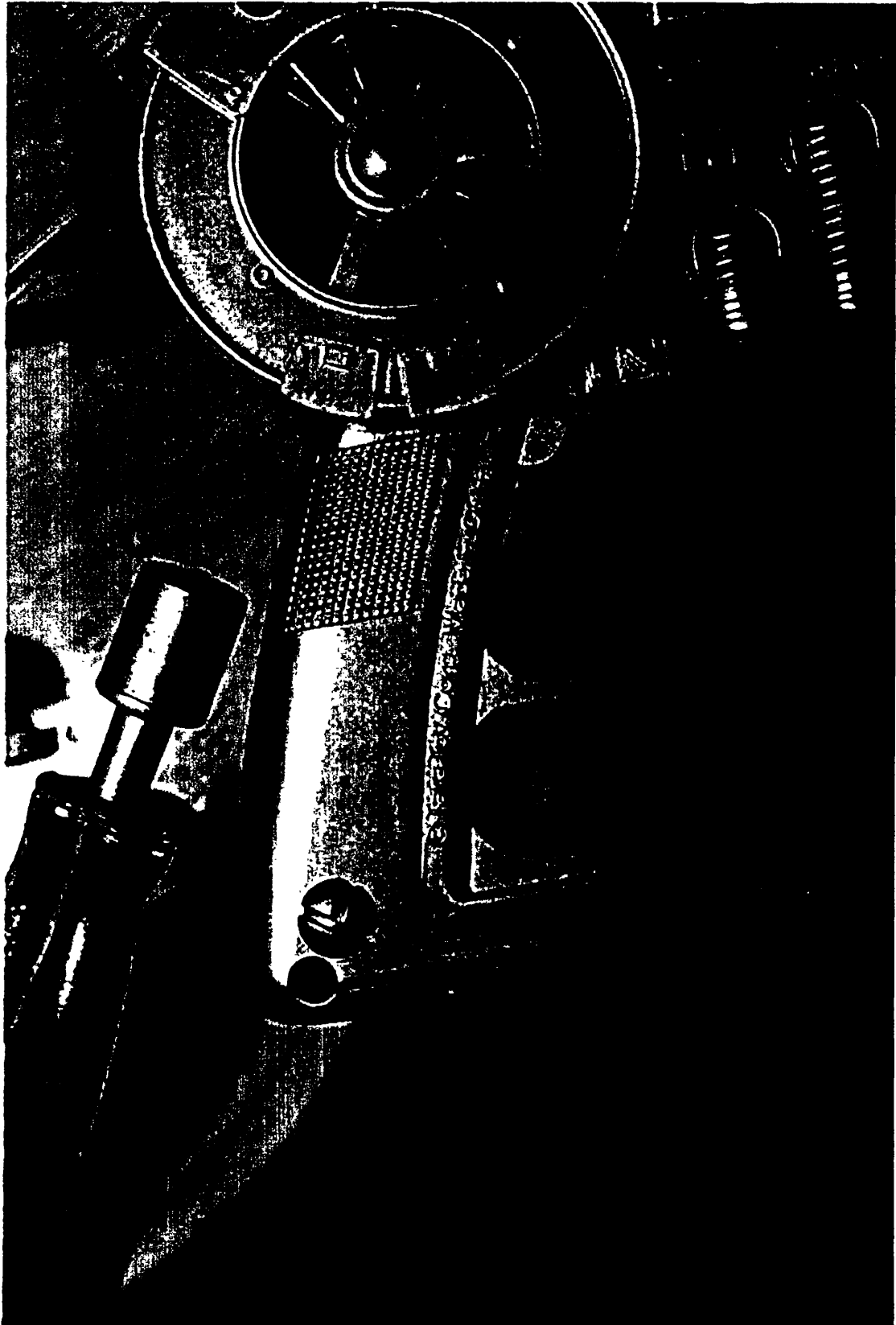
**FIGURS**

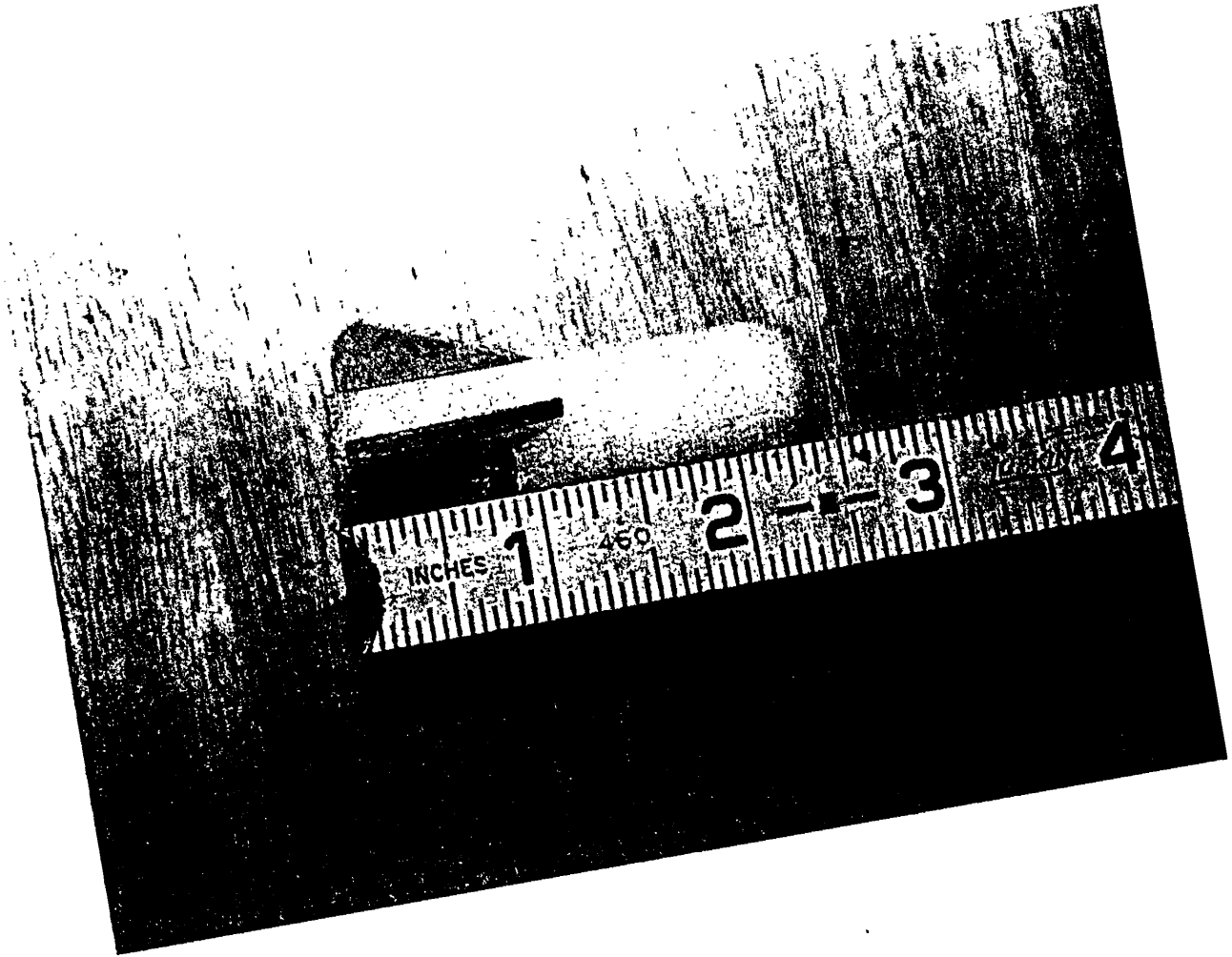


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HAUPPAUGE NY 11788  
MADE IN CHINA  
NO. 18500









## FIELD ACTIVITY COVERSHEET

<b>1. REGION/STATE</b> FOWR	<b>2. OPERATION (Check One)</b> <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other [         ]	<b>3. DATE 7-16-97</b>
		<b>4. NUMBER (For RO Use)</b> 970609CCC3200
<b>5. ESTABLISHMENT</b> Name <b>Tara Toy Corp.</b> City <b>Hauppauge</b> State <b>NY</b> Zip                      11788                      Telephone		
<b>6. RELATED FIRM</b> <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other _____ Name [                      ] City [                      ] State [         ]		
<b>7. PRODUCTS COVERED</b> Flying toy	<b>8. OTHER CONSUMER PRODUCTS</b> [                      ]	
<b>9. ESTABLISHMENT TYPE</b> <input type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other [         ]	<b>10. ANNUAL PRODUCTION</b> Product Covered \$    Units [         ] Other Products \$    Units [         ]	
<b>11. I.S. BUSINESS</b> % Received [         ] % Shipped [         ]	<b>12. SAMPLES COLLECTED 97-860-5623</b>	<b>13. MIS CODE 32626</b>
<b>14. HOURS</b> Activity [ 20 ] Travel [ 3 ]		
<b>15. REASON FOR ACTIVITY (Assignment Reference)</b> Follow up to consumer's report of eye injury caused by a flying toy.		
<b>16. ANNOUNCED</b> <input type="checkbox"/> Rationale for Announced Inspection UNANNOUNCED <input type="checkbox"/>		
<b>17. EMPLOYEE'S NAME</b> Roger C. Burrows	<b>TITLE</b> Resident Invest.	<b>SIGNATURE</b>
<b>18. ( ) ENDORSEMENT (X) REMARKS ( ) SUMMARY ( ) OTHER _____</b> The attached audio tape was received from the insurance agency representing the manufacturer of the toy. The tape was made of an interview between the victim and an insurance agent. The investigation may now be classified as completed.		
<b>19. REVIEWER'S NAME</b> Keven Barton	<b>TITLE</b> Supervisor	<b>SIGNATURE</b>
<b>20. REVIEW DATE</b>	<b>21. DISTRIBUTION</b> O: EHDS Mattie McDonald    CC: CCA Jean Kennedy    CS: FOWR LDB	

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Fireman's Fund  
Insurance Company

John R. Taylor  
Field Claims Manager

August 7, 1997

Consumer Products Safety Commission  
13 Union Plaza Court Rm 104A  
Oceanside CA 92054


CLAIM NO.: 680 97 567471  
OUR INSURED: Tara Toy Corporation  
DATE OF LOSS: 6/10/97  
CLAIMANT: David Huddler

Dear Mr. Burrows:

I am in receipt of the authorization form that you afforded to me regarding the above-captioned claim. As I advised, I did obtain a recorded statement of David Huddler. A copy of his statement is attached.

Hopefully, the copy of this statement will be helpful to you.

Sincerely,

  
Ann Reinhardt  
Senior Claims Representative

AR:cb525





1. TASK NUMBER 970609CCC3200		2. INVESTIGATOR'S ID 8310		EPIDEMIOLOGIC INVESTIGATION REPORT	
3. OFFICE CODE 871	4. DATE OF ACCIDENT 5-10-97	5. DATE INITIATED 7-16-97			
6. SYNOPSIS OF ACCIDENT OR COMPLAINT A 15 year old male received trauma to his left eye when the "arm" of a flying figure broke off and struck the eye. The victim was using the figure on the day it was purchased. The victim's eye doctor reported that the victim may suffer cataract, glaucoma and retinal detachment in the future.					
7. LOCATION (Home, School, etc.) Home 10		8. CITY Las Vegas		9. STATE NV	
10A. FIRST PRODUCT Flying toy 5004		10B. TRADE/BRAND NAME Flying Warriors		10C. MODEL NUMBER 18500	
10D. MANUFACTURER NAME AND ADDRESS Tara Toys Hauppauge, NY					
11A. SECOND PRODUCT NONE		11B. TRADE/BRAND NAME		11C. MODEL NUMBER	
11D. MANUFACTURER NAME AND ADDRESS					
12. AGE OF VICTIM 015	13. SEX Male 1	14. DISPOSITION Treated and released 1		15. INJURY DIAGNOSIS Trauma 71	
16. BODY PART (S) INVOLVED Eyeball 77	17. RESPONDENT Victim's mother 2	18. TYPE OF INVESTIGATION Telephone 2		19. TIME SPENT (OPERATIONAL HOURS) 20	
20. ATTACHMENT(S) Multiple 9	21. CASE SOURCE Consumer complaint 07		22. SAMPLE COLLECTION NUMBER 97-860-5623		
23. PERMISSION TO DISCLOSE NAMES (NON NEISS CASES ONLY) NO					
24. REVIEW DATE August 21, 1997	25. REVIEWED BY Keven Barton		26. REGIONAL OFFICE DIRECTOR		
27. DISTRIBUTION O:EHDS CC:CCA Jean Kennedy					

970609CCC3200

Page 1

The information contained in this report was obtained during a visit with the victim's attorney and an agent for the manufacturer's insurance company. A copy of the agent's report has been requested. If it is received it will be submitted later.

The victim's mother was not available during a visit to Las Vegas.

#### PRE EVENT

The 15 year old male victim was playing with a flying toy purchased for his 5 year old brother's birthday. The victim is 5 feet 8 inches tall and is right handed.

The victim's school health record indicates that the victim's sight was 20/20 during a vision check prior to the event. See attachment 1.

The victim operated the toy 15 times in 15 minutes prior to the event.

#### EVENT

The victim was standing on a neighbor's lawn. He was holding the toy in his right hand. His arm was extended. He launched the flying toy by pulling on the launching string with his left hand. The "arms" of the figure spun like the blades of a propeller. The victim heard a snap and one of the "arms" broke off and the hard, unprotected, part hit the victim in the eye.

#### POST EVENT

The victim's eye was examined by an ophthalmologist. The ophthalmologist determined that the victim had received two lacerations to the surface of his left eye. See attachment 2 for the medical evaluation.

#### PRODUCT IDENTIFICATION

The toy involved in the event was manufactured by Tara Toy Corp., Hauppauge, NY. It is called Flying Warriors. It is model number 18500. It has been on the market for 1 1/2 years. Sales of the toy have amounted to 600,000 to 700,000 units. The manufacturer has had the toy tested. The toy is no longer being sold. It has run its course.

The toy is composed of a plastic warrior figure 7 inches long. The figure has "arms" like propellers which are 5 inches long. The "arms" are padded with sponge material for about one half of their length.

Included with the toy is a plastic launcher which is 6 inches by 5

inches. The launcher contains a string 8 1/2 inches long which when pulled causes the figure to spin. As the figure spins it rises.

The launcher also is designed to fire a foam "missile" when a trigger is pulled.

The toy is labeled with the CSPA warning for toys containing small parts. Also a warning is included that the toy should not be launched at people or animals.

The toy is labeled that it conforms to ASTM F963-95.

970609CCC3200

Page 2

The toy involved in the event was examined and photographed at the victim's attorney's office. See attached photos. The broken shaft that held the "arm" that struck the victim was measured at 3/16 inch.

SAMPLE COLLECTED

The victim's attorney declined to allow the toy involved in the event to be collected as a sample.

A visit was made to the retailer where the toy was purchased. The retailer was closing out the item and had only two units left. They were collected as sample 97-860-5623.

ATTACHMENTS

1. Victim's school health record.
2. Victim's medical records relating to the eye injury.

Photographs of the toy involved in the event plus the toy collected as a sample.

*Jean*

### FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOWR	2. OPERATION (Check One) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other [       ]		3. DATE 7-16-97
		4. NUMBER (For RO Use) 970609CCC3200	
5. ESTABLISHMENT Name Tara Toy Corp.			
	City Hauppauge	State NY	Address
	Zip 11788	Telephone	
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 Flying toy		8. OTHER CONSUMER PRODUCTS [       ]	
9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other [       ]		10. ANNUAL PRODUCTION Product Covered \$ Units [       ] Other Products \$ Units [       ]	
11. I.S. BUSINESS % Received [       ] % Shipped [       ]	12. SAMPLES COLLECTED 97-860-5623	3. MIS CODE 32626	14. HOURS Activity [ 20 ] Travel [ 3 ]
15. REASON FOR ACTIVITY (Assignment Reference) Follow up to consumer's report of eye injury caused by a flying toy. <i>No idea why it broke off. Did not hit anything first and broke off and came towards eye.</i>			
16. ANNOUNCED <input type="checkbox"/> Rationale for Announced Inspection <i>towards eye.</i> UNANNOUNCED <input type="checkbox"/>			
17. EMPLOYEE'S NAME Roger C. Burrows	TITLE Resident Invest.	SIGNATURE	
18. <input type="checkbox"/> ENDORSEMENT <input checked="" type="checkbox"/> REMARKS <input type="checkbox"/> SUMMARY <input type="checkbox"/> OTHER _____ The attached audio tape was received from the insurance agency representing the manufacturer of the toy. The tape was made of an interview between the victim and an insurance agent. The investigation may now be classified as completed. <i>Type: David [redacted] 15y playing w 2 friends + brother (5y) May 11 received toy - day of acc. Backyard on grass + front yard. Toy went @ 7ft high off the shoulder. Landed arm held straight out. Flew 15ft away. Rt wing broke off. Snapped off at shoulder. Broken parts hit eye in "Spin" has ridged shoulder. Immediately, eyesight went black. In hrs after accident could see nothing.</i>			
19. REVIEWER'S NAME Keven Barton	TITLE Supervisor	SIGNATURE <i>Surgey [redacted] - removed lens + cal...</i>	
20. REVIEW DATE	21. DISTRIBUTION <i>D:RHDS Mattie McDonald CC: CCA Jean Kennedy CS:FOWR LDB</i>		

411



Fireman's Fund  
Insurance Company

John R. Taylor  
Field Claims Manager

August 7, 1997

Consumer Products Safety Commission  
13 Union Plaza Court Rm 104A  
Oceanside CA 92054


CLAIM NO.: 680 97 567471  
OUR INSURED: Tara Toy Corporation  
DATE OF LOSS: 6/10/97  
CLAIMANT: David [REDACTED]

Dear Mr. Burrows:

I am in receipt of the authorization form that you afforded to me regarding the above-captioned claim. As I advised, I did obtain a recorded statement of David Huddler. A copy of his statement is attached.

Hopefully, the copy of this statement will be helpful to you.

Sincerely,

  
Ann Reinhardt  
Senior Claims Representative

AR:cb525

U.S. CONSUMER PRODUCT SAFETY COMMISSION

1315 UNION PLAZA, ROOM 217  
OCEANSIDE, CA 92054

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

AN EQUAL OPPORTUNITY EMPLOYER

970609 CCC 3200

11

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT Jackie Bickel-Loth	2. PHONE NO. (HOME) (WORK) 206-565-9652 none
3. STREET ADDRESS 6411 47th St. Ct. West	4. CITY STATE ZIP CODE Tacoma WA 98466-5605

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES  
An adult friend launched hard plastic toy as instructed when its red launching cord (consumer thinks cloth) detached from toy's hard plastic launcher and 5" tall hard plastic male action figure with wings shattered into sharp 2" x 5" to 1-1/2" diameter pieces. Pieces landed 8' away and consumer thinks that 1 of the 2 hard plastic wings hit son under his left  
-cont-

6. DATE OF INCIDENTS 12/24/95	7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 4 Y/M welt & bruise under left eye	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP Skyler son
----------------------------------	---	---

9. DESCRIPTION OF PRODUCT multicolored hard plastic projectile toy	10. BRAND NAME Flying Warriors
---	-----------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown, made in China unknown unknown unknown Tara Toy Corp. unknown Hauppauge, NY 11788	12. MODEL, SERIAL NUMBERS N.18500, 029116	13. DEALER'S NAME, ADDRESS & PHONE Toys R Us 4214 Tacoma Mall Blvd. Tacoma, WA 00000 206-472-4568
--	--	---

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF YES, BEFORE OR AFTER THE INCIDENT? after DESCRIBE: damaged: see narrative	15. PRODUCT PURCHASED NEW <input checked="" type="checkbox"/> USED <input type="checkbox"/> DATE PURCHASED 12/24/95 AGE 1 day	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: age recommendations & warnings: unknown
--	--	--

17. HAVE YOU CONTACTED THE MANUFACTURER? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF NOT, DO YOU PLAN TO CONTACT THEM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OTHER?	18. IS THE PRODUCT STILL AVAILABLE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF NOT, ITS DISPOSITION returned to dealer for a refund	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--	--	--

FOR ADMINISTRATION USE

20. DATE RECEIVED 01/22/96	21. RECEIVED BY (NAME & OFFICE) ldm/HL	22. DOCUMENT NO. H9610134A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1317
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE CCH 1/22/1996

CONSUMER PRODUCT INCIDENT REPORT

H9610134A

---

Narrative Continued

---

eye causing a welt and a bruise; Rx at home.

1/6/96 Consumer returned toy to dealer, reported incident to dealer's customer service (name unknown) and received a refund.

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Distributor phone #: unknown

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CPSC Source: TEL

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT Mary Ann Hayes	2. PHONE NO. (HOME) (WORK) 405-323-3927 none
3. STREET ADDRESS 1121 Chandler	4. CITY STATE ZIP CODE Clinton OK 73601

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES  
 10-year-old grandson launched action figure into the air as instructed while younger grandson was standing behind him (distance unknown). Action figure's hard plastic/foam rubber wings hit younger grandson and lacerated his right eye. Grandson received Rx at Great Plains Regional Medical Center Hospital, Elk City, OK, for 5 days. Routinely due to incident, grandson has  
 -cont- 10/15/97 tel call by J. Kennedy: wing did not break off. Foam is intact. Rotating wing hit son in eye.

DATE OF INCIDENTS 12/16/95	7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 8 Y/M see narrative	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP Zachary Hayes grandson
-------------------------------	---	--

9. DESCRIPTION OF PRODUCT 7" tall hard plastic figure w/launching device	10. BRAND NAME Flying Warriors
---	-----------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown, made in China unknown unknown Tara Toy Corporation unknown Hauppauge, NY 11788	12. MODEL, SERIAL NUMBERS 18500, UPC #2911618500	13. DEALER'S NAME, ADDRESS & PHONE Montgomery Wards unknown Oklahoma City, OK unknown
---	---	---

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES NO x IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW x USED DATE PURCHASED 12/95 AGE 2 days	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: see narrative, age rec.: 5 and up
---	---	--

17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO x IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO x OTHER?	18. IS THE PRODUCT STILL AVAILABLE? YES x NO IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES x NO
--	--	---

FOR ADMINISTRATION USE

20. DATE RECEIVED 05/02/96	21. RECEIVED BY (NAME & OFFICE) tca/HL	22. DOCUMENT NO. H9650014A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1317
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE CTW 5/3/1996	

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Narrative Continued

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to have his eye checked for glaucoma. Consumer discontinued grandsons' use of toy. Silver, red, and green action figure called "Gyro" came with a hard plastic launcher. Child places action figure on launching device and pulls launcher's cord which propels action figure into the air. Consumer has seen a similar toy called "Sky Dancer" distributed by Galoob and feels it can also cause the same problem.

2/96 Consumer had purchased an identical toy for another grandson and went to dealer and explained incident. Dealer's rep. (name unknown) who offered consumer a refund; consumer accepted.

Warning: "Choking hazard. Small parts not for children under 3 yrs.  
Caution: do not launch at people or animals. Conforms to ASTM S963-95."

---

Distributor phone #: unknown

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---

CPSC Source: MAG

---

2

PSA-5/9/97

Document Number: H9610134A Task Number : Issue : 17  
 Date Received : 01/24/96 Confirmed : Y Date Entered : 02/05/96  
 City : TACOMA State : WA Zip : 98466  
 Source : 0 Type Of Contact : 21  
 Prod : 1317 FLYING TOYS  
 Prod : 0 NO SECOND PRODUCT INVOLVEMENT  
 Date Injured : 12/24/95 D Work Related : N  
 Age : 4 Sex : 1 MALE  
 Disposition : 1 1=TREATED & RELEAS Haz Type : A CUTTING OR PIERCING INSTRUMENTS  
 Brand : TARA TOY CORP/MADE Screened ? :  
 Model : #N.18500, 029116

*Justin Beckel - Lot # 208-565-9452 - no  
 Flying Warriors  
 of hard wing hit eye  
 cord detached  
 probe in pieces*

Narrative :

A 4 YOM RECEIVED WELT AND BRUISE UNDER LEFT EYE WHEN PROJECTILE TOY SHATTERED INTO SHARP PIECES.

Document Number: X9710002A Task Number : Issue : 14  
 Date Received : 01/02/97 Confirmed : Y Date Entered : 01/28/97  
 City : PERRY HALL State : MD Zip : 21128  
 Source : 0 Type Of Contact : 21  
 Prod : 1317 FLYING TOYS  
 Prod : 0 NO SECOND PRODUCT INVOLVEMENT  
 Date Injured : 12/29/96 D Work Related : N  
 Age : 8 Sex : 1 MALE  
 Disposition : 1 1=TREATED & RELEAS Haz Type : B STRUCK BY FALLING OR THROWN OBJE  
 Brand : TARA TOY CORP. Screened ? :  
 Model : 18500

Narrative :

AN 8 YEAR OLD MALE BROKE HIS TWO FRONT TEETH FROM PLAYING WITH A TOY FIGURE/PLASTIC LAUNCHER WHEN ONE OF THE ARM/WINGS LAUNCHED AND STRUCK HIM IN THE MOUTH.

Document Number: X9710078A Task Number : 970114CCC5206 Issue : 16  
 Date Received : 01/13/97 Confirmed : Date Entered : 02/05/97  
 City : PERRY HALL State : MD Zip : 21128  
 Source : 0 Type Of Contact : 10  
 Prod : 1317 FLYING TOYS  
 Prod : 0 NO SECOND PRODUCT INVOLVEMENT  
 Date Injured : 12/29/96 D Work Related : N  
 Age : 8 Sex : 1 MALE  
 Disposition : 1 1=TREATED & RELEAS Haz Type : B STRUCK BY FALLING OR THROWN OBJE  
 Brand : TARA TOY CORP/FLYIN Screened ? :  
 Model : 18500

Narrative :

A BOY, AGE 8, SUFFERED INJURY TO TWO TEETH WHEN STRUCK BY A PIECE OF A FLYING TOY FIGURE. APPARENTLY THE FIGURE HAD BECOME CRACKED.

2

*dup*

REPORTED INCIDENTS  
U.S. CONSUMER PRODUCT SAFETY COMMISSION  
NATIONAL INJURY INFORMATION CLEARINGHOUSE

5 H96C0263A : Y  
 CONFIRMED :  
 STATE : MI  
 SOURCE : 000  
 PRODUCT(S) : 1317 FLYING TOYS  
 DATE INJURED : 0000  
 AGE : 000  
 DISPOSITION : 0  
 MANUFACTURER: NYLA BONE PRODUCTS/NYLABONE FRISBEE  
 MODEL : NF103

ISSUE : 14  
 DATE RECEIVED : 961230  
 DATE ENTERED : 970122  
 CITY : ANN ARBAR  
 TYPE OF CONTACT: CONSUMER COMPLAINT  
 WORK RELATED : N  
 SEX : ?  
 HAZARD : CUTTING OR PIERCING INSTRUMENTS  
 MANUFACTURER: NYLA BONE PRODUCTS/NYLABONE FRISBEE

NARRATIVE :  
 CONSUMER NOTICED FLYING TOY HAD SHATTERED INTO SHARP PIECES.

6 H9750160A : NV  
 CONFIRMED :  
 STATE : NV  
 SOURCE : 000  
 PRODUCT(S) : 1317 FLYING TOYS  
 DATE INJURED : 0000  
 AGE : 015  
 DISPOSITION : TR/REL  
 MANUFACTURER: TARA TOY CORP./ FLYING WARRIORS  
 MODEL : 18500

ISSUE : 33  
 DATE RECEIVED : 970515  
 DATE ENTERED : 970606  
 CITY : LAS VEGAS  
 TYPE OF CONTACT: CONSUMER COMPLAINT  
 WORK RELATED : N  
 SEX : M  
 HAZARD : CUTTING OR PIERCING INSTRUMENTS

NARRATIVE :  
 15 YEAR OLD BOY LACERATED LEFT EYE AND TORE HIS TRITS WHEN HE PULLED STRING TO LAUNCH TOY FIGURE IN THE AIR. WING DETACHED, BOUNCED OFF ANOTHER KID, THEN BOUNCED BACK AND HIT HIS LEFT EYE.

*very detailed*

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

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

**3. Article Addressed to:**

Bruce Pearl, President  
 40 Adams Avenue  
 Tara Toy Corporation  
 Hauppauge, NY 11788

**4a. Article Number**

069 248 158

**4b. Service Type**

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

**7. Date of Delivery**

9-8-97

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

**5. Received By: (Print Name)**

Christine Labiento

**6. Signature: (Addressee or Agent)**

X Christine Labiento

PS Form 3811, December 1984

Domestic Return Receipt

Thank you for using Return Receipt Service.

8/24 TIC to C. Slavis re Tara

POSTER -

not yet sent to retailers  
1 error being fixed. Mailing  
should occur on 8/28,  
Then PR can go in following  
week

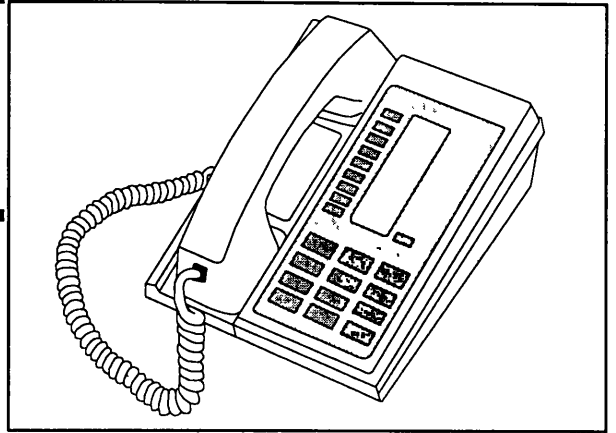
Tara Also checking status of injuries  
so may be accurately characterized  
in P.R.

"P.R. cannot go this week"

Ujmsore

We want to do Wednesday  
posters on Friday

**MEMORANDUM OF  
TELEPHONE  
CALL**



**JEAN KENNEDY**

**DATE:** 5-12-98

**TIME:** \_\_\_\_\_

**NAME:** Sharon Steensland, Don Fenerty, et al

**FIRM:** Alexander Fenerty

**TELEPHONE:** 312-263 7731

**SUBJECT:** Lubanski case - TARA TOY: FLYING WARRIOR

**DISCUSSION:** 6/19/97 d.o.a.

14y = lac & shattered  
bone replaced  
loss of right

Pulled string. Hit him in eye.  
or hit wall & hit him

Wing (broken off) hit his eye.  
Wing is broken off & part has toy.

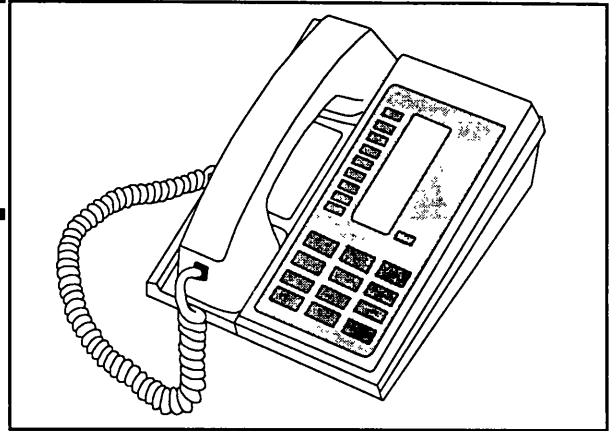
**NEXT ACTIONS:**

• Will give message to Jim Fenerty to call  
me or Bill Monroe

• I asked for expert report & pictures of arm/scar

8/25 - ok for next Mon or Tues for PR  
- ask B Monroe if we can release info on how injuries?

**MEMORANDUM OF  
TELEPHONE  
CALL**



**JEAN KENNEDY**

DATE: 11-19-97

TIME: 11:45 AM '97

NAME: Jean Kennedy

FIRM: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

**DISCUSSION:**

*His assistant? Drawings in the house.*

*Memorandum: Not just computer to a drawing, but computer system drawing  
B.M. reg. <sup>required</sup> the telephone system for M. in and back page*

**NEXT ACTIONS:**

- 1. Please keep in mind time today as primary Treaty.*
- 2. We are not going to meet back Verony ~~clerk~~  
the problem in this time & the only of recalling it.*





**PRE-INCIDENT:**

Information concerning this incident was provided by the victim's mother, on-site at their home in Perry Hall, Maryland. The victim is a 8 year old male who resides in a 3 story single family town house with his brother, mother, and father.

On Saturday, December 28, 1997, the victim and his family visited relatives in Taneytown, Maryland. Both the victim and his brother each received a "Flying Warrior" toy from their aunt. Both toys were purchased new and at the same time from "Toy Works" in Westminster, Maryland. The "Flying Warrior" toy is a futuristic pistol style gun that has a styrofoam dart that fits on the muzzle of the pistol. There is an action figure of a man in a space costume with wings for arms. The arms move up and down from the figures sides. This figure fits into a round hole on the top of the pistol. When a retractable pull cord on the back of the pistol is pulled, the figure spins up into the air and the arms/wings open up and the figure spins like a helicopter to the ground. The styrofoam dart can be fired at the figure in flight by squeezing the pistol grip. It was too cold for the brothers to play with their flying toys outside, so they victim's toy was not used that day.

On the following day, Sunday December 29, 1997, the victim and his brother were playing with their flying toys on the first floor of their home. The weather was still cold and overcast, so they were playing in the house.

**INCIDENT:**

The victim launched his figure approximately 2 times without incident. On the third attempt, the victim pulled the retractable pull cord which launches the figure. As the figure started to spin into the air, the plastic figure split down the seam throwing the figures plastic arm/wing at the victims face. The arm/wing hit the victim in the mouth breaking the victims upper 2 front teeth.

**POST-INCIDENT:**

The victim ran upstairs to the kitchen where his mother was, and showed her what had happened. The victims brother had gathered up the broken fragments of the victims teeth and brought them upstairs to his mother. The victim's mother called her pediatrician and he informed her to contact her dentist. She then contacted their dentist and

made an appointment for the following day at 8:00 am. During their dental appointment, the dentist x-rayed the victims teeth and found that the nerves were not damaged. The teeth were then capped with a resin material. The dentist informed the victim's mother that the chemicals in the resin used to cap the victims teeth may start to kill the nerves, but they would not know for another 6 months. The victim has a follow up appointment in July of 1997. At this appointment it will be determined whether the victim will need a root canal or not.

The victim's mother has contacted the manufacturer of the toy and was referred to the firm's insurance company. The insurance company for the firm is: Fireman's Fund Insurance Company. The insurance company and the victim's mother are waiting for all medical bills to be presented to the insurance company before settling the claim. The victim's mother has not decided what to do with the toy at this point. She is holding the toy until the claim is settled. I was able to photograph the broken toy and the unbroken toy that was the brother's, but was unable to obtain the toy as a sample. Immediately after the incident, the victim's mother would not allow the victim's brother to play with his "Flying Warrior" toy. She is afraid the same thing may happen with the unbroken toy.

### **PRODUCT IDENTIFICATION:**

The toy is known as a "Flying Warrior" toy which is distributed by "Tara Toy Corporation", Hauppauge, N.Y. 11788. Both the action figure and the packaging state, "Made in China". The model number is: 18500, and the SKU on the packaging is: "0 29116 18500 5". The action figure is approximately 7" tall and has a wing span of approximately 9" and is made of plastic with a seam running up each side of the figure. The front half of the figure is glued to the rear half. The arm/wing that struck the victim is approximately 5" long.

### **STANDARDS:**

There are current CPSC standards for toys intended for children under the age of 3. This standard can be found in 16 CFR; SUBCHAPTER C-FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS; Part 1501, Method for identifying toys and other articles intended for use by children under 3 years of age which present a choking, aspiration, or ingestion hazards because of small parts. There is also a standard

**970114CCC5206**

for small balls, marbles, latex balloons, and other small parts. This can be found in 16 CFR; SUBCHAPTER B-CONSUMER PRODUCT SAFETY ACT REGULATIONS; Part 1117, Reporting of choking incidents involving marbles, small balls, latex balloons and other small parts. There are also industry set voluntary standards. There is a conformance statement on the retail package for this toy, which states: "Conforms to ASTM-F963-95". There is also a warning label located on the front, top, right hand side of the package, which states: "Warning: Choking Hazard-Small Parts Not for children under 3 yrs."

### **EXHIBITS:**

The following exhibit is attached:

1. Photographs of the broken toy and unbroken toy.

# 201

ACCIDENT INVESTIGATION REQUEST FORM

Document Number X9710078A

Date of Incident 12/29/94 Category I.D. SECT JK 1997

Follow-Up Requested \_\_\_\_\_ Hazard Analysis Section 15

Type Follow-Up Requested \_\_\_\_\_ Telephone Call On-Site

Headquarters Contact Team Kennedy

Assignment Message Please conduct an on-site investigation on the attached incidents. Collect the sample if its still available!

Person(s) to Contact Eric [redacted]

Perry Hall, MD 21128

Guideline \_\_\_\_\_

Requested By \_\_\_\_\_

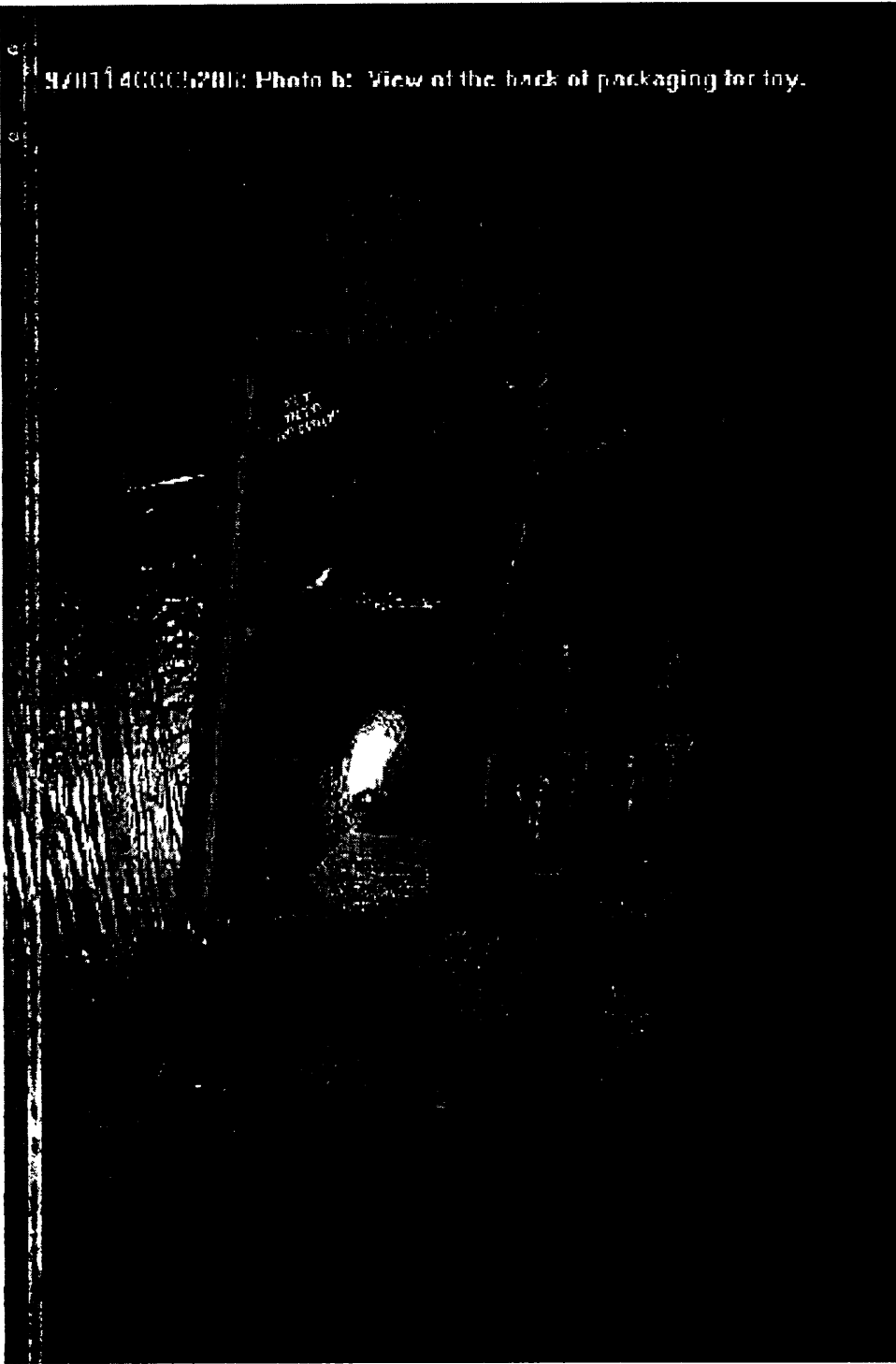
Task Number 970114 CCC 5206

Assigned to MASC Date 970113

11/11/14 00:05:20: Photo of View of the front of packaging for lay-

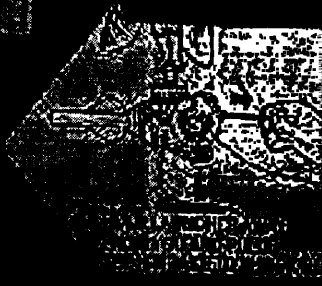


SA011400052010: Photo b: View of the back of packaging for toy.



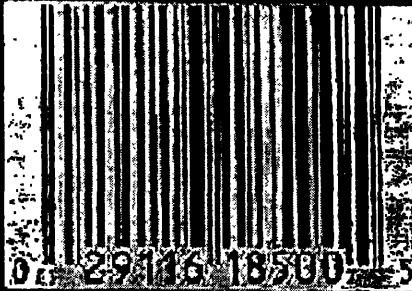
PLEASE  
FOAM DISSECT

SYSTEM



PLEASE  
FOAM DISSECT

9701140005206: Photo c: Shows close-up of labeling on rear of packaging.



TM

SPIDER  
MAN

© TARA TOY CORP.  
HAUPPAUGE NY 11788  
MADE IN CHINA  
NO. 18500

*TARA TOY*

9701140005206: Photo d: Shows close-up of labeling on the packaging.



