

ATTACHMENT 2

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
ZEN MAGNETS, LLC)	
)	
)	CPSC DOCKET NO. 12-2
)	
Respondent.)	

LIST AND SUMMARY OF DOCUMENTARY EVIDENCE

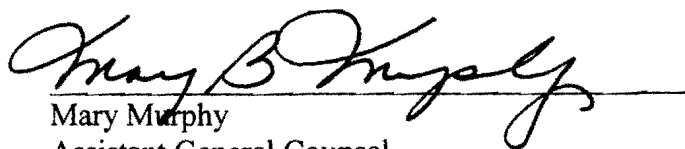
Pursuant to 16 C.F.R. § 1025.11(b)(3) of the Commission’s Rules of Practice for Adjudicative Proceedings, the following is a list and summary of documentary evidence supporting the charges in this matter. Complaint Counsel reserves the right to offer additional evidence during the course of the proceedings.

1. Claims, complaints, medical records, and reports concerning incidents involving the Zen Magnets® Rare Earth Magnetic Balls (Subject Products) and similar products.
2. Communications from consumers regarding their purchase of the Subject Products for children under the age of 14, including their attention to, and understanding of, the Subject Products’ warnings, labeling, and instructions.
3. Documents evidencing the product warnings, labeling, and packaging since the introduction of Zen Magnets® products in 2009.
4. Advertisements, marketing, and promotional materials for Zen Magnets® products, including print and Web media, since 2009.
5. Correspondence between Respondent and CPSC staff regarding failure of the Subject Products to comply with ASTM 963 and subsequent changes by Respondent to

- marketing, warnings, and instructions regarding the Subject Products.
6. CPSC's In-Depth Epidemiological Investigation Reports of near-ingestion, ingestion, and injury incidents involving the Subject Products and similar products.
 7. CPSC Product Safety Assessments from the Directorate for Engineering Sciences, the Directorate of Economic Analysis, the Division of Health Sciences, and the Division of Human Factors concerning the Subject Products.
 8. Documentary evidence regarding changes to the packaging, labeling, and instructions of the Subject Product since 2009.
 9. Technical records, technical analyses, and evaluations of the Subject Products conducted by or for Respondent.
 10. Technical records, technical analyses, and evaluations of the Subject Products and similar products, and summaries thereof, from outside expert witnesses retained by CPSC staff for the purposes of litigation.
 11. Information provided by Respondent to Commission staff pertaining to the Subject Products.
 12. Public notices issued by the Commission regarding the Subject Product and similar products.
 13. Standards regarding high-powered magnets, including, but not limited to, ASTM F963-08.
 14. Reports and publications from medical professionals regarding the hazards of ingestion of magnets, including how the injuries occur, the difficulty in diagnosing and treating such ingestion incidents, and the long-term health consequences attendant to such injuries.

15. Information provided by consumers pertaining to any products liability, personal injury, or other lawsuits filed against Respondent in connection with the Subject Products.

Dated this 25 day of September, 2012.



Mary Murphy
Assistant General Counsel
Division of Compliance
Office of the General Counsel
U.S. Consumer Product Safety Commission
Bethesda, MD 20814
Tel: (301) 504-7809

Jennifer Argabright, Trial Attorney
Seth Popkin, Trial Attorney
Leah Wade, Trial Attorney

Complaint Counsel for
U.S. Consumer Product Safety Commission
Bethesda, Maryland 20814