

20th Annual Toy Safety Survey

November 2005



Trouble in Toyland

Arizona PIRG Education Fund

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The 20th Annual Survey of Toy Safety

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Acknowledgements

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For a copy of this report, visit our website at www.toysafety.net, or send a check for \$30 made payable to Arizona PIRG Education Fund to the following address:

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Executive Summary

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

The 2005 *Trouble in Toyland* report is the 20th annual Public Interest Research Group (PIRG) survey of toy safety. This report provides safety guidelines for parents when purchasing toys for small children and provides examples of toys currently on store shelves that may pose potential safety hazards. PIRG's research focused on four categories of toys: toys that may pose choking hazards, toys that may pose strangulation hazards, toys that are excessively loud, and toys that contain potentially toxic chemicals.

PIRG researchers visited numerous toy stores and other retailers to find potentially dangerous toys and identify trends in toy safety. Key findings include:

CHOKING HAZARDS

Choking on small parts, small balls and balloons remains a leading cause of toy-related deaths and injuries. Between 1990 and 2004, at least 157 children died after choking or asphyxiating on a toy or toy part; seven children died in 2004 alone. Our researchers found:

- Although most toys on store shelves are safe, PIRG researchers still found toys for children under three with small parts and toys with small parts for children under six without the statutory choke hazard warning label.

- Toy manufacturers are over-labeling toys by placing choke hazard warnings on items that do not contain small parts. This could dilute the meaning of the warning labels, making them less useful to parents. CPSC should push manufacturers to apply the choke hazard warning only when necessary.

- Mattel, a large toy manufacturer, now includes a non-statutory and vague warning on some of its toys, saying "Small parts may be generated." If a toy contains small parts or can break easily into small parts that pose a choking hazard, the company should use the statutory warning. Toys without small parts should not include this confusing label.

- Balloons, which cause more choking deaths than any other children's product, are still marketed specifically for children under age three (such as "Baby's First Birthday") and with characters appealing to children under eight years old (such as "Bob the Builder"). Toy manufacturers should not market balloons to children under age eight.

STRANGULATION HAZARDS

The American Society for Testing and Materials (ASTM) has set safety standards to prevent strangulation by cords and elastics attached to toys. These standards and other ASTM standards are enforceable by CPSC. PIRG researchers found that the popular yo-yo water ball poses particular hazards to young children, including strangulation and other injury to the

eyes, neck and face. New versions of the toy contain batteries to make the toy flash; these batteries can tear through the toy easily, posing a choking hazard if swallowed.

In June 2005, Illinois became the first state to ban this toy. At the federal level, the CPSC should ban all sales of yo-yo water balls and similar toys in the United States.

LOUD TOYS

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

- Several toys currently on toy store shelves may not meet the ASTM standards for appropriately loud toys.
- Several toys currently on toy store shelves exceed 100 decibels when measured at close range.

CPSC should enforce the ASTM acoustics standards for loud toys and consider strengthening the standards to reduce the sound threshold for hand-held toys from 90 decibels to 85 decibels. Toy manufacturers should go above and beyond the standards and not make hand-held toys that produce sounds louder than 85 decibels.

TOXIC CHEMICALS IN TOYS

Some toys can pose hidden hazards, exposing children to dangerous chemicals that are linked to serious health problems. PIRG researchers found:

- Manufacturers are selling play cosmetic sets that include nail polish containing toxic chemicals, such as toluene and xylene. Since children often put their hands in their mouths, nail polish applied to fingernails offers a direct route of exposure.
- Even though the European Union has banned or imposed wide restrictions on the use of six phthalates in toys and childcare products, some manufacturers of children's products continue to use phthalates in toys for the U.S. market. Phthalates, a class of chemicals used to "plasticize" or soften otherwise hard PVC plastic material, have been linked to reproductive defects and other health problems.
- In response to consumer concern about phthalates, some manufacturers are labeling their products as "phthalate-free." The U.S. government, however, does not regulate the "phthalate-free" label or ensure that products labeled "phthalate-free" actually do not contain phthalates. To test the reliability of the "phthalate-free" label, PIRG commissioned laboratory tests of eight soft plastic toys labeled as not containing phthalates. Of the eight toys tested, six contained detectable levels of phthalates.

CPSC should ban phthalates in toys and other products intended for children under five and work with the Federal Trade Commission to take immediate action to ensure that toys

labeled “phthalate-free” do not contain phthalates. In addition, CPSC should team up with the Food and Drug Administration to require manufacturers to stop using toluene, xylene, dibutyl phthalate, and other toxic chemicals in nail polish marketed for children.

OTHER TOY HAZARDS

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

PURCHASING TOYS ON THE INTERNET

Increasingly, parents are turning to the Internet as a convenient way to shop for toys, especially during the busy holiday shopping season. The CPSC, however, has yet to require online retailers to include choke hazard warnings on their websites. PIRG conducted its fifth annual survey of online toy retailers, finding that some online toy retailers are voluntarily displaying some sort of choke hazard warning for at least some of their toys—although mandatory requirements are still necessary. We found:

- One-third (35%) of the 37 online retailers surveyed display some sort of choke hazard warning next to toys that otherwise require such labeling on their packaging or point of sale, although most retailers do not display these warnings consistently on their websites.
- Of the retailers surveyed, just over half (20) allow consumers to shop for toys by age group. Of these 20 websites, four post or direct parents to toys that are not age-appropriate.
- Nine of the retailers provided no manufacturer age recommendations for the toys we surveyed.

CPSC should require online toy retailers to display on their websites the safety warnings otherwise required by law to appear on toy packaging. Toy manufacturers should take the initiative and use statutory choke hazard warnings on retail toy websites.

RECOMMENDATIONS FOR CONSUMERS AND PARENTS

Be vigilant this holiday season and remember:

- The CPSC does not test all toys, and not all toys on store shelves meet CPSC standards.
- Online toy retailers do not have to provide the same safety warnings that otherwise are legally required on the packaging of toys sold in stores.
- PIRG’s report includes only a sampling of potentially hazardous toys. Always examine toys carefully for potential dangers before you make a purchase.
- Report unsafe toys or toy-related injuries to the CPSC.

Introduction

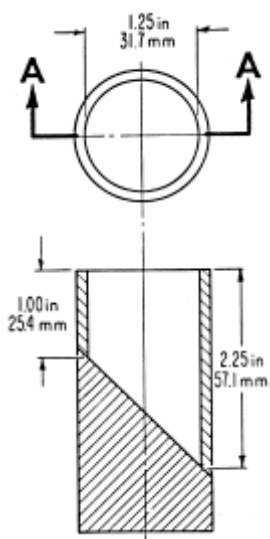
Toys should entertain and educate children; however, poorly designed and constructed toys can cause injury and even death. According to the most recent data from the Consumer Product Safety Commission (CPSC), at least 16 children, none older than nine years old, died in 2004 from toy-related injuries. Seven of the children died from choking or asphyxiating on a toy or toy part. Approximately 210,300 people sought treatment in hospital emergency rooms in 2004 for toy-related injuries; at least 72,800 (35 percent) of those injured were younger than five years old. Riding toys, such as non-powered scooters, accounted for more injuries than any other category of toy—34 percent.¹

Since 1986, PIRG has conducted toy safety research and education projects to avoid such tragic and preventable deaths and injuries. PIRG toy safety reports over the last 20 years have led to more than 120 corrective actions by the CPSC and manufacturers.

Much of PIRG's advocacy has focused on the leading cause of toy deaths: choking. Despite federal regulations designed to reduce toy-related choking deaths, at least 157 children choked to death on children's products between 1990 and 2004, a rate of about 10 deaths a year, accounting for more than half of all toy-related deaths. See Attachment B for more data on toy-related deaths.

Choking Hazards

Regulatory History



Choke Test Cylinder

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

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

that passed the small parts test could still pose a choking hazard, as they could completely block a child's airway.

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

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

Requirements of the 1994 Child Safety Protection Act

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

Small Parts

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



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

Small Balls

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

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



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



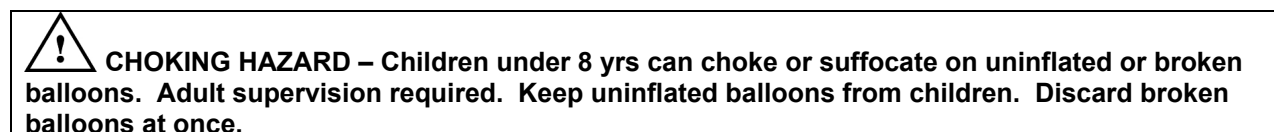
Marbles

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



Balloons

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children's product. Almost half (43 percent) of the choking fatalities reported to the CPSC since 1990 have involved balloons. The 1994 CSPA requires the following choke hazard warning on all balloons:



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

Bins and Vending Machines

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

Toy Survey Findings: Choking Hazards

PIRG researchers surveying toy stores in the fall of 2005 identified the following trends:

- Overall, manufacturers and toy retailers are doing a better job of marketing and labeling small balls, balloons, small toys and toys with small parts, ensuring either that the bin in which the toy is sold or the toy itself is labeled with a choke hazard warning label.
- PIRG researchers still found toys for children under three with small parts; toys with small parts for children under six without the statutory choke hazard warning; and balloons printed with messages appealing to young children.
- Manufacturers are over-labeling their toys, placing choke hazard warnings on toys without small parts or small balls. This over-labeling dilutes the weight of the warning.

- Mattel, a large toy manufacturer, now includes a non-statutory and vague warning on some of its toys, saying “Small parts may be generated.” Mattel often uses this warning on toys intended for children between the ages of three and six when the toys do not otherwise have the statutory choke hazard warning. For example, the packaging of many Mattel Hot Wheels products, age labeled for 3+ or 4+, includes the “Small parts may be generated” warning on the back but not the statutory choke hazard warning.² Mattel also uses this vague label on many Fisher Price toys intended for children over the age of three but without small parts that would require a choke hazard warning.³ If a toy contains small parts or can easily break into small parts that pose a choking hazard, the company should use the statutory warning. Toys without small parts should not include this confusing label.

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

Recommendations

PIRG recommends that parents use a choke testing tube or a cardboard toilet paper roll to test small toys and parts; if a toy or toy part fits in the cardboard tube, then it is too small for a child under three or an older child that still puts things in his or her mouth. Make sure that balls given to children younger than three are at least 1.75 inches in diameter. Finally, never let children younger than eight play with latex balloons.

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

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

Strangulation Hazards

Yo-Yo Water Balls



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

There are dozens of different types of yo-yo water balls distributed in the United States by many different companies, often without a brand name. Based on information from industry sources, CPSC believes that approximately 11-15 million yo-yo ball toys were distributed in the U.S. in 2003, selling for between \$1 and \$5.⁴

Dangers of Water Yo-Yos

Consumer safety agencies around the world have fielded complaints from parents reporting incidents in which water yo-yos wrapped tightly around their children's necks or caused other injuries to the eyes, face and head. The cord is made of a rubbery plastic, which extends approximately four feet. The toy is often difficult to control, as the water ball at the end of the toy is heavy enough to generate significant momentum when swung. Children between ages four and eight may be most vulnerable to injury, since they have the strength to swing the yo-yo quickly but may lack the dexterity to control the toy's momentum. *Consumer Reports* tested more than a dozen of these toys, deeming the toy "Not Acceptable" because of the potential for the cord to wrap around a child's neck and restrict or cut off circulation. *Consumer Reports* also found that the elastic finger loop could stretch enough to fit over a child's head and around his or her neck.⁵

As of July 15, 2005, the CPSC had received more than 400 injury reports related to water yo-yo balls. Suffocation and strangulation incidents account for almost three-fourths (290 incidents) of the reported injuries. Parents have found their children suffocating with yo-yo balls wrapped multiple times around their children's necks. Parents report using knives, scissors, and even their teeth to cut the elastic cords of the tightly wrapped yo-yo balls. One child passed out and hit his head so hard he fractured his skull; another child was found bleeding from his mouth and nose and needed CPR; two other children have had to have lens implant surgery in their eyes because the toy snapped back with such force that it shattered the lens.⁶ Since the end of 2003, complaints have dropped, likely because many major retailers no longer sell the toys due to consumer concerns.⁷

In addition to the strangulation risks and reported eye injuries, some studies have found that the yo-yo ball may be flammable and that the contents of the water ball pose a toxic hazard. Tests commissioned by the Massachusetts Office of Consumer Affairs and Business Regulation found that the plastic exterior of certain water yo-yos may be made from diesel hydrocarbons. Scientist Jim Polansky noted that the ball caught fire instantly when exposed to a flame from a lighter.⁸ *Consumer Reports* found that the balls burn aggressively when held over a candle flame.⁹ CPSC investigated reports of potential toxicity from the liquid inside the toy and

flammability from a flame test of the yo-yo ball toy. CPSC staff found no toxicity or flammability concerns.¹⁰

Regulatory Action

The U.S. government, however, has taken little action to remove the product from the market. In September 2003, in response to increasing scrutiny of this toy's safety, CPSC announced the results of an investigation into the yo-yo water ball, finding that "there is a low but potential risk of strangulation from the yo-yo water ball toy." At that time, the CPSC noted that it had received 186 reports of incidents in which the yo-yo ball toy's cord wrapped around a child's neck. According to the commission, there were no lasting injuries, although seven cases reported broken blood vessels affecting eyes, eyelids, cheeks, neck, scalp or the area behind the ears.¹¹ CPSC decided to not recall the product; instead, the agency advised parents to supervise use of the toy, cut its cord, or throw it away. The CPSC has not taken any additional action to remove the toy from the market or ban its sale in the United States. Most major retailers have stopped selling the toy;¹² however, the toy remains on some store shelves.

In response to the CPSC's inaction, both state and federal lawmakers in the U.S. have taken steps to ban the toy. At the national level, Congressman Robert Andrews (D-NJ) introduced a bill with Congresswoman Jan Schakowsky (D-IL) on September 13, 2005 to ban the sale of water yo-yos.¹³ In June 2005, Illinois became the first state to ban the sale of water yo-yos. The New Jersey General Assembly passed a ban on water yo-yos in October 2004;¹⁴ the Senate has yet to act on a companion bill. In April 2003, the New York Consumer Protection Board asked retailers to pull water yo-yos from their shelves and called on the CPSC to recall the toy;¹⁵ legislation to officially ban the toy is now pending in the New York State Assembly and Senate.¹⁶ Legislation to ban the water yo-yo also is pending in the Wisconsin state legislature.¹⁷ In June 2003, the Massachusetts Office of Consumer Affairs and Business Regulation issued a warning to parents about the dangers of the yo-yo water ball and urged the CPSC to recall it.¹⁸

Injuries associated with the water yo-yo also have prompted strong action in countries around the world. In May 2003, for example, the Canadian government issued a warning that the water yo-yo may pose a strangulation hazard to children; the government re-issued the warning in August 2003 in light of numerous reported incidents and continued widespread availability of the toy. On October 2, 2003, Canada's Consumer Product Safety Bureau announced that "yo-yo type balls and similar products are prohibited from advertising, sale or importation in Canada."¹⁹ The sale of yo-yo water balls is currently banned in France, Switzerland, Australia, Luxembourg, Brazil and the United Kingdom. This is the first toy to be banned in the UK in more than a decade.²⁰

New Hazards



Consumer Reports has reported that new variations of the water yo-yo pose additional hazards. Rather than a water-filled ball, new versions of this toy contain a battery and components to make it flash. During lab tests and real-life tests with supervised 4-year-olds, the battery or other components fell out of the squishy material or tore through it in four of the six toys *Consumer Reports* tested. Kids could choke on the parts, and a battery could eat away at the esophagus or stomach lining. Some of these toys come in packaging with choke hazard warnings; others do not.²¹

Recommendations

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

Cords and Elastics in Toys

The American Society for Testing and Materials (ASTM) maintains a voluntary standard for accessible cords and elastics that may pose entanglement or strangulation hazards. ASTM's standard states that cords and elastics "included with or attached to toys intended for children less than 18 months of age (excluding pull toys) shall be less than 12 inches long when measured to the maximum length. If cords/elastics or multiple cords/elastics can tangle or form a loop, or both, in connection with any part of the toy, including beads or other attachments on the ends of cords/elastics, the perimeter of the loop shall be less than 14 inches..."²²

ASTM published a separate voluntary standard for pull toys, stating that "cords and elastics greater than 12 inches long for pull toys intended for children under 36 months of age shall not be provided with beads or other attachments that could tangle to form a loop."²³ The cord could become tangled around a child's neck and be locked into place by the knob.

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

Crib Mobiles

Crib mobiles present a special hazard for infants. Around the age of five months, children become more mobile and begin to push themselves up on their hands and knees. At that point, mobiles left within reach of a child become hazardous; a child may be able to entangle herself in them, but lacks the physical strength or motor skills to untangle herself. CPSC has recalled nine crib mobiles since 1980; five of these were due to strangulation hazards. At least two children have strangled on crib mobiles since 1980.²⁴ According to the voluntary standard published by the American Society for Testing and Materials, crib mobiles should be labeled with the following warning: "Caution: possible entanglement injury: keep toy out of baby's reach. Remove mobiles from crib or playpen when baby begins to push up on hands and knees."²⁵

Dangerously Loud Toys

Every day, almost 140 million Americans experience noise levels that the U.S. Environmental Protection Agency (EPA) categorizes as “annoying or disruptive.”²⁶ Karen A. Bilich writes that children “are especially vulnerable to noise induced hearing loss – which often happens gradually and without pain – from overexposure to noise.”²⁷ Almost 15 percent of children ages 6 to 17 show signs of hearing loss, according to a 1998 study published in the *Journal of the American Medical Association*.²⁸ Noise-induced hearing loss can be caused by a one-time exposure to loud sound as well as by repeated exposure to sounds at various loudness levels over an extended period of time.²⁹

The Occupational Safety and Health Administration (OSHA) reports that prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage.³⁰ The American Academy of Pediatrics and the National Campaign for Hearing Health also use 85 decibels as a threshold for dangerous levels of noise. The following are the accepted standards for recommended permissible exposure time before hearing damage can occur. For every three decibels over 85 decibels, the permissible exposure time before possible damage can occur is cut in half.³¹

Decibel Exposure Time Guidelines³²

Continuous dB	Permissible Exposure Time
85 dB	8 hours
88 dB	4 hours
91 dB	2 hours
94 dB	1 hour
97 dB	30 minutes
100 dB	15 minutes
103 dB	7.5 minutes
106 dB	3.75 min (< 4min)
109 dB	1.875 min (< 2min)
112 dB	.9375 min (~1 min)
115 dB	.46875 min (~30 sec)

Standards for Loud Toys

As originally promulgated, the Standard Consumer Safety Specification for Toy Safety (ASTM F963) states that toys “shall not produce impulsive noises with an instantaneous sound pressure level exceeding 138dB when measured at any position 25 cm from the surface of the toy.”³³ According to Nancy B. Nadler, M.E.D., M.A., Director of the Noise Center at the League for the Hard of Hearing, this is louder than a jet taking off or the sound of a jack-hammer.³⁴

In November 2003, ASTM finalized new and more specific specifications for sound-producing toys that are “intended to minimize the possibility of hearing damage that might be caused by toys that are designed to produce sound.”³⁵ CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary. These standards include the following:³⁶

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

- Close-to-the-ear toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 70 dB when measured from a distance of 25 centimeters.

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

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

These standards do not apply to 1) sounds produced by mouth actuated toys where the sound pressure level is determined by the blowing action of the child; 2) child actuated sounds such as those produced by drums and bells where the sound pressure level is determined by the muscular action of the child; 3) tape players, CD players and other similar electronic toys where the sound output is dependent on the content of removable media (e.g. tape, CD, record, game cartridge); 4) toys that are connected to or interfaced with external devices (e.g. televisions, computers) where the sound pressure level is determined by the external device; 5) squeeze toys; 6) sound emitted from earphones/headphones; 7) sounds produced by toys with wheels as a result of their wheels making contact with the ground, floor, etc.; and 8) impulse sounds produced by caps.³⁷

These standards, while a solid step in the right direction, are not sufficient to ensure that loud toys will not harm children’s hearing. The new specifications have four primary weaknesses:³⁸

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

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

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

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

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

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

Recommendations

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

- If a toy sounds too loud for you in the store, don’t buy it. Children are even more sensitive to sound than adults.

- Put tape over the speakers of any toys you already own that are too loud. This will reduce the noise levels of the toys.

- Remove the batteries from loud toys.

- Report a loud toy to the CPSC.

CPSC should:

- Enforce the new ASTM standards to the fullest extent.

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

Toxic Chemicals in Toys

ASTM's toy safety standards state that toys or materials used in toys must conform to the Federal Hazardous Substances Act.³⁹ Under the Federal Hazardous Substances Act, products that are toxic or irritants and that may cause substantial injury or illness under reasonably foreseeable conditions of handling or use, including reasonably foreseeable ingestion by children, are "hazardous substances."⁴⁰ In addition, play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetic Act.⁴¹ In evaluating the potential risks associated with children's products that contain hazardous chemicals, CPSC's staff considers certain factors on a case-by-case basis, including the total amount of the hazardous chemical in a product; the accessibility of the hazardous chemicals to children; the risk presented by that accessibility; the age and foreseeable behavior of the children exposed to the product; and the marketing, patterns of use, and life cycle of the product.⁴²

Phthalates in Products Intended for Small Children

Phthalates are a family of chemicals, including diethyl phthalate (DEP), diethylhexyl phthalate (DEHP), dibutyl phthalate (DBP), butyl benzyl phthalate (BBP), diisodecyl phthalate (DIDP), diisononyl phthalate (DINP), di-n-octyl phthalate (DNOP), and many other distinct types. The polyvinyl chloride (PVC) plastic industry uses large amounts of phthalates as additives to improve the flexibility of its products, including home siding, flooring, furniture, food packaging, toys, clothing, car interiors, and medical equipment, including IV bags. In addition, other manufacturers use phthalates in personal care products such as soap, shampoo, deodorant, hand lotion, nail polish, cosmetics, and perfume, as well as industrial products like solvents, lubricants, glue, paint, sealants, insecticides, detergent, and ink.⁴³

Scientists began studying the toxicity of several phthalates as early as the 1950s and discovered significant evidence of environmental and human contamination in the early 1970s, including the leaching of phthalates into human blood from PVC bags used in hospitals.⁴⁴ Today, phthalates are pervasive in the environment and in human bodies. In 2000, Dr. Benjamin Blount at the Centers for Disease Control (CDC) found high levels of phthalates and their transformation products (known as metabolites) in every one of 289 adult Americans tested, including women of childbearing age.⁴⁵ CDC confirmed widespread exposure with a larger study in 2003, finding high levels of phthalates in practically every person they tested.⁴⁶

Phthalate Exposure Linked to Health Effects

Numerous scientists have documented the potential health effects of exposure to phthalates in the womb or at crucial stages of development, including (but not limited to):

- **Reproductive Defects.** In the last three decades, the number of children born with hypospadias (a birth defect causing the opening of the urinary tract to develop on the underside of the penis) and cryptorchidism (a birth defect disrupting the descent of the testicles into the scrotum) has doubled.⁴⁷ A recently published study by Dr. Shanna Swan and her colleagues reveals that normal exposure to phthalates can harm the genital development of unborn baby boys. Mothers with the highest levels of phthalates in their urine late in their pregnancies had babies with a shorter anogenital distance (the span between the anus and

penis that forms into the scrotum in males), smaller penises, and more instances of incompletely descended testicles.⁴⁸ In 2000, Dr. L. Earl Gray and his colleagues at EPA reported that three types of commonly used phthalates (DEHP, BBP, and DINP) disrupt sexual development in male rats.⁴⁹ In 2004, Dr. Gray and others at the EPA followed up on this finding, showing that the phthalates DEHP, BBP, and DINP reduce the levels of insulin-like hormone #3. Reduced activity of this hormone is another known cause of undescended testicles in mice.⁵⁰ Other research groups have implicated another common phthalate, dibutyl phthalate or DBP, as a direct cause of hypospadias and cryptorchidism in rodents. When female rats are fed DBP during the third week of pregnancy, 60% of their male offspring suffer cryptorchidism, hypospadias, infertility, and/or other testicular defects.⁵¹ Most recently, an independent panel of scientists convened by the National Institute of Environmental Health Sciences and the National Toxicology Program released its review of one type of phthalate, diethylhexyl phthalate (DEHP), in October 2005. The panel reconfirmed that DEHP poses a risk to reproductive and developmental health.⁵²

- **Premature Delivery.** Rates of pre-term birth (defined as giving birth after 37 or fewer weeks of gestation) have been steadily rising at least over the last two decades.⁵³ A study published in November 2003 by a group of Italian scientists suggests a link between exposure to phthalates and pre-term birth. The scientists found phthalates and their breakdown products in the blood of newborn infants, with higher levels leading to a higher incidence of premature delivery.⁵⁴ They reported that babies exposed to common phthalates enter the world a week earlier on average than babies with less exposure. The scientists concluded that “human exposure to DEHP can begin *in utero*” and “phthalate exposure is significantly associated with a shorter pregnancy duration.”⁵⁵

- **Early Onset Puberty.** One study of Puerto Rican girls suggests that phthalates may be playing a role in trends toward earlier sexual maturity.⁵⁶ Puerto Rican girls suffer from the highest rates of premature breast development ever recorded. Dr. Ivelisse Colon at the University of Puerto Rico and her colleagues searched for a link between chemical exposures and this phenomenon. They looked for foreign chemicals in blood samples from a set of very young girls with premature breast development, girls with an average age of 31 months. They found high levels of phthalates in these girls compared with normal children. In particular, levels of DEHP were seven times higher in girls with premature breast development than levels in normal girls.

- **Lower Sperm Counts.** In 2003, Drs. Susan Duty and Russ Hauser of the Harvard School of Public Health published one of the first studies linking phthalate exposure with harm to human reproductive health.⁵⁷ They analyzed semen and urine samples from more than 150 men with no unusual exposure to phthalates in the Boston area. Men who had monobutyl or monobenzyl phthalate in their urine tended to have lower sperm counts, with the highest concentrations leading to the lowest sperm counts.

U.S. Fails to Take Action on Phthalates

In 1998, the state PIRGs and several other environmental and consumer groups petitioned the CPSC, asking the agency to ban polyvinyl chloride (PVC) plastic in all toys intended for children under the age of five because of the potential health hazards posed by diisononyl phthalates (DINP). While noting its position that “few if any children are at risk from the chemical,”⁵⁸ in December 1998 CPSC asked the toy and baby products industry to remove

DINP from soft rattles and teethingers. About 90 percent of manufacturers indicated at that time that they had or would remove DINP from soft rattles and teethingers by early 1999. CPSC staff also asked the industry to find a substitute for phthalates in other products intended for children under three years old that are likely to be mouthed or chewed.⁵⁹

CPSC also convened a Chronic Hazard Advisory Panel to examine the existing scientific data concerning the potential risks of phthalates to humans. In June 2001, the panel concluded that while the majority of children would not be adversely affected by diisononyl phthalate, “there may be a DINP risk for any young children who routinely mouth DINP-plasticized toys for seventy-five minutes per day or more.”⁶⁰ Critics of this study pointed out the circular logic in the panel’s conclusion, which came after manufacturers started phasing out DINP in teethingers and other mouthing toys. Because the voluntary ban made PVC toys softened with DINP less available, CPSC staff recommended against a ban on phthalates because children in the study did not spend enough time mouthing soft PVC toys.⁶¹ In addition, the study did not consider the possible effects from multiple exposures to multiple types of phthalates.

Unfortunately, in February 2003, CPSC denied the state PIRGs’ petition to ban PVC plastic in toys for young children, noting the agency’s position that “there is no demonstrated health risk” posed by the phthalates used in PVC toys or other products intended for children under the age of five.⁶²

Other countries have taken action, however, to protect children’s health. In September 2004, the European Union (EU) agreed to impose wide restrictions on the use of six phthalates in toys and childcare products.⁶³ The EU banned three phthalates classified as reproductive toxicants – diethylhexyl phthalate (DEHP), butyl benzyl phthalate (BBP), and dibutyl phthalate (DBP) – in all toys and childcare articles. The EU banned three other phthalates – DINP, diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) – in toys and childcare articles intended for children under three years of age and that can be put in the mouth. Member states must now pass regulations in order to be in compliance with this instruction.⁶⁴

Alternatives to Phthalates

Some manufacturers have turned to alternative plasticizers to soften PVC. Risk & Policy Analysts and the Research Institute for Toxicology reviewed the availability of substitute plasticizers and their potential health effects and for the European Commission in June 2000. The study examined the potential risks of two substitute plasticizers, acetyl tributyl citrate (ATBC) and diethylhexyl adipate (DEHA). The researchers found that ATBC, the most common substitute plasticizer, is safer than DINP, but the margin of safety for DEHA is actually lower than that for DINP. The researchers note that there is comparatively less research on toxicity and migration for these chemicals than for phthalates.⁶⁵ In January 2004, however, the Scientific Committee on Toxicity, Ecotoxicity and the Environment of the European Commission ruled that toys plasticized with acetyl tributyl citrate (ATBC) can be safely mouthed by children.⁶⁶

The Dutch research institute TNO also found that shifting from phthalates to alternative softeners in PVC production could reduce environmental and human health impacts. TNO bases this conclusion on a systematic ranking of all potential PVC softeners, incorporating factors such as bioaccumulation and toxicity. Specifically, the paper states that using benzoates and possibly citrates instead of phthalates might benefit human health and the environment.⁶⁷

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

“Phthalate-Free” Products

Some manufacturers are beginning to label their baby products and toys as “phthalate-free,” ostensibly giving parents the information they need to make educated purchasing decisions. The federal government, however, does not regulate the “phthalate-free” label or ensure that products labeled “phthalate-free” actually do not contain phthalates.

To test the reliability of the “phthalate-free” label, PIRG commissioned STAT Analysis Corporation in Chicago, Illinois to test eight soft plastic toys labeled as not containing phthalates. Of the eight toys tested, six contained detectable levels of phthalates. See Attachment D for more information about the phthalates found in each toy.

Six of Eight Toys Labeled “Phthalate Free” Test Positive for Phthalates

Toy Name	Item Number	Brand/ Manufacturer	Labeled	Phthalates Found
Rubber duck	RDKS/21236	Schylling	Phthalate Free	Di-n-butyl phthalate (DBP)
Baby King 2-Pack Water Teether	BK404	Regent Baby Products Corp.	Phthalate Free (yellow sticker on packaging)	None
Cool Animal Teether	Y1473	The First Years	Phthalate free. This product does not contain phthalates.	Diethylhexyl phthalate (DEHP), Di-n-butyl phthalate (DBP), Di-n-octyl phthalate (DNOP)
Sassy Baby's First Books (Baby's Peek-a-Boo Book)	8444	Sassy	Products are phthalate-free.	Diethylhexyl phthalate (DEHP), Di-isononyl phthalates (DINP), Di-n-butyl phthalate (DBP), Di-n-octyl phthalate (DNOP)
Soft Freezer Teether	333	Cool Baby	PVC Free	None
Fun Ice Soothing Ring Teether	UPC: 35282 74601	Munchkin	This product does not contain PVC with phthalates.	Di-n-butyl phthalate (DBP)
Just Animals! (Pink Pig)	9111246	Small World Toys/IQ Baby	No Phthalate (printed on bottom of toy)	Di-isononyl phthalates (DINP)
Rub a Dub Squirters for the Tub (Snail)	700G	ALEX	Phthalate Free.	Diethylhexyl phthalate (DEHP)

Recommendations

PIRG calls on CPSC to formally ban the use of phthalates in all toys for children five years old and under. In addition, PIRG calls on CPSC and the Federal Trade Commission to investigate manufacturers’ use of the “phthalate-free” label and take action against manufacturers that are misleading consumers.

Toxic Chemicals in Children's Cosmetics

The CPSC has issued guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals. This guidance states that in order to "reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, the Commission requests manufacturers to eliminate the use of such chemicals in children's products."⁶⁸

PIRG researchers found several examples of play cosmetic sets marketed for children with nail polish containing toxic chemicals, such as toluene, xylene and dibutyl phthalate. Since children are prone to putting their hands in their mouths, nail polish applied to fingernails offers a direct route of exposure. Children could face additional exposure by inhaling vapors from the nail polish when applying the product.

Toluene

PIRG researchers found play cosmetics on store shelves containing toluene, despite the CPSC guidance urging manufacturers to remove toluene from their products. See Attachment A for a list of products found containing toluene.

According to the Agency for Toxic Substances and Disease Registry (ATSDR) of the Centers for Disease Control,⁶⁹ toluene is a clear, colorless liquid with a distinctive smell. Toluene is used in making paints, paint thinners, fingernail polish, lacquers, adhesives, and rubber and in some printing and leather tanning processes.

Exposure to toluene affects the nervous system. Exposure to low to moderate levels of toluene can cause tiredness, confusion, weakness, drunken-type actions, memory loss, nausea, loss of appetite, and hearing and color vision loss. Inhaling high levels of toluene in a short time can make you feel light-headed, dizzy, or sleepy. It also can cause unconsciousness and even death. Toluene also is a recognized developmental toxicant.⁷⁰ Human studies have reported developmental effects, such as central nervous system dysfunction, attention deficits, and minor craniofacial and limb anomalies, in the children of pregnant women exposed to toluene by inhalation. Other studies have found a link between women's exposure to toluene and an increased incidence of spontaneous abortions.⁷¹

Xylene

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

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

Xylene affects the brain. Short-term exposure to high levels of xylene can cause irritation of the skin, eyes, nose, and throat; difficulty in breathing; impaired function of the lungs; delayed

response to a visual stimulus; impaired memory; and possible changes in the liver and kidneys. Both short- and long-term exposure to high concentrations of xylene also can affect the nervous system, causing headaches, lack of muscle coordination, dizziness, confusion, and changes in one's sense of balance.⁷²

Long-term exposure of animals to low concentrations of xylene has not been well studied, but some information suggests that long-term exposure of animals can cause harmful effects on the kidney (with oral exposure) or on the nervous system (with inhalation exposure). Children may be more sensitive to acute inhalation exposure than adults because their narrower airways would be more sensitive to swelling effects.⁷³

Dibutyl Phthalate

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

According to ATSDR, dibutyl phthalate is an odorless and colorless or faintly yellow oily liquid that does not occur in nature. It is a chemical that is added to hard plastics to make them soft. These plastics are used to make many products that we use every day such as carpets, paints, glue, insect repellents, hair spray, nail polish, and rocket fuel. ATSDR reports that researchers have observed birth defects in animals exposed to high levels of dibutyl phthalate during development. Death, low body weights, skeletal deformities, cleft palate, and damage to the testes have been observed in the offspring of animals ingesting large amounts of dibutyl phthalate.⁷⁴

According to the Environmental Protection Agency, little information is available on the health effects of human exposure to dibutyl phthalate. Tests involving acute exposure of rats and mice have shown dibutyl phthalate to have moderate toxicity from inhalation exposure and low toxicity from oral exposure. Similarly, limited information is available on the chronic effects of dibutyl phthalate in animals from inhalation exposure; one study reported decreased body weight gain and increased lung weight relative to body weight, and another study reported an increase in brain weight as a percent of body weight. Animal studies have reported developmental effects, such as reduced fetal weight, decreased number of viable litters, and birth defects (neural tube defects) in mice exposed orally to dibutyl phthalate. Reproductive effects, such as decreased spermatogenesis and testes weight, also have been reported in oral animal studies.⁷⁵

Recommendations

PIRG recommends that parents read the labels of children's cosmetics carefully and purchase nail polish without these toxic chemicals. CPSC also should enforce its guidance to manufacturers, retailers, and distributors about children's products containing liquid chemicals and expand it to include other toxic chemicals that may expose children to hidden health hazards. The Food and Drug Administration, which has jurisdiction over cosmetics, should require manufacturers to remove the toxic chemicals listed in CPSC's guidance from products marketed for children.

Projectiles, Scooters & Other Toy Hazards

Projectiles

ASTM established standards governing projectile toys, defined as toys “intended to launch projectiles into free flight by means of a discharge mechanism in which the kinetic energy of the projectile is determined by the toy and not by the user.”⁷⁶ The standards state that projectiles intended to be fired from a toy “shall not have any sharp edges, sharp points, or small parts” that would fit inside the choke tube described in the previous section.⁷⁷ In addition, the standard states that rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).⁷⁸ Any protective tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.⁷⁹

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

Scooters

Popular lightweight scooters, which first entered the U.S. market in 1999, continue to pose a serious threat of injury to children. Injuries from riding toys, including scooters, skyrocketed between 2000 and 2001, from 65,000 to 121,700 injuries. This number has fallen since 2001, with 71,100 injuries in 2004, but scooters and other riding toys still cause more injuries than any other category of toy (34 percent).⁸⁰ This decline is likely do in part to increased parental awareness of the dangers posed by scooters.

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

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

Pocket Bikes and Mini Motorcycles

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

Electric Mini-Motorcycles



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

Recommendations

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

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

Gasoline-Powered Mini-Motorcycles

Gasoline-powered mini-motorcycles, commonly referred to as pocket bikes or pocket rockets, look similar to the electric toy version, but should not be considered a toy. In fact, pocket bikes can reach speeds up to 40 mph. They are not safe for use on streets because they lack required equipment and are too tiny for other drivers on the road to see. The height of most pocket bikes ranges from 15 to 20 inches. According to the CPSC, hospitals nationwide treated an estimated 2,345 injuries involving small two-wheeled motorized mini-bikes and trail bikes in 2003.⁸¹ As a result of the growing number of deaths and injuries involving pocket rockets, some states and local governments are taking action to ban their use.


Recommendations

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

Survey of Online Toy Retailers

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

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

- One-third (35%) of online retailers surveyed (13/37) display some sort of choke hazard warning next to toys that otherwise require such labeling on their packaging or point of sale, although most retailers do not display these warnings consistently on their websites.
- Of the 13 online toy retailers displaying choke hazard warnings, 12 use the statutory choke hazard warning text on their websites. Although this is a positive trend, most online retailers do not use the statutory symbol  with the text to clearly signify a choke hazard.
- Of the retailers surveyed, just over half (20) allow consumers to shop for toys by age group. Of these 20 websites, four post or direct parents to toys that are not age-appropriate.
- Nine of the retailers provided no manufacturer age recommendations for any the toys we surveyed.

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

Recommendations

Parents and toy-givers shopping online should have access to the same safety information as those shopping in stores. PIRG calls on CPSC to require toy manufacturers and retailers to display the CSPA choke hazard warnings next to products sold on their websites, including toys containing small parts and small balls, marbles, and balloons.

Gaps in Toy Safety Regulation

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

Loopholes in Toy Safety Regulation

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

A new factor complicating toy safety is the growing popularity of online toy retailers. The convenience of online toy stores draws increasing numbers of consumers each year, yet these stores pose special difficulties for consumers. Although PIRG's fifth annual survey of toy websites found that some online toy retailers are voluntarily posting the choke hazard warning labels required by law on toy packages sold in stores, two-thirds of the online retailers surveyed still do not include any such labeling on their websites. (See Attachment C for PIRG's 2005 survey of online toy retailers).

Finally, as detailed in this report, some products marketed for children contain potentially toxic chemicals, including phthalates, xylene, and toluene. These chemicals do not belong in products intended for small children.

Ineffective Toy Recalls

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

Recalls are made more difficult by the fact that many consumers do not know if they own the product being recalled. The failure of toy manufacturers to label their products – not just the packaging – with contact information or even the name of the manufacturer makes identifying recalled products difficult if not impossible. Manufacturers, on the other hand, rarely have any way of contacting consumers who have purchased their products. Very few consumers fill out “warranty” cards provided with some products, because the questions asked are so clearly intended for marketing purposes, giving consumers legitimate privacy concerns. Safety should not be conditioned on marketing.

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

Methodology

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

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

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

Toxic hazards: We did not test the children’s cosmetics identified in Attachment A of this report to determine their chemical content. We relied solely upon the list of ingredients provided on the product packaging. We did test the Hasbro Gloworm and Infantino AquaDuck Water Filled Playmat in June-July 2005 to determine the presence of phthalates.⁸²

Testing of “Phthalate-Free” products: STAT Analysis Corporation in Chicago, a laboratory accredited by the Illinois Environmental Protection Agency in accordance with the National Environmental Laboratory Accreditation Program, performed the phthalates testing. STAT Analysis followed standard procedures, using Environmental Protection Agency (EPA) Method 8060 for phthalates extraction and EPA Method 3580A for waste dilution. The reporting/quantitation limits varied based on the product tested, as detailed in Attachment D. A detailed methodology is available upon request.

Online toy survey: We compiled a list of numerous toys on toy store shelves that require and contain proper choke hazard labeling. We then identified as many online toy retailers as possible, ultimately compiling a list of 37 vendors. On each website, we searched for five toys requiring choke hazard labeling and noted whether or not the statutory choke hazard warning was displayed with the product listing. For websites allowing consumers to search for toys by age group, we entered the category including toys for children younger than three and attempted to locate toys that had small parts (and are therefore inappropriate for children under three). If we found toys that contain small parts or if the website directed consumers to toys with small parts, then we noted that the website’s age categories include age-inappropriate toys. See Attachment C for the findings of our 2005 online toy survey.

^a If a toy broke into small parts with little effort or force, we assumed that the toy may not comply with CPSC use and abuse testing procedures.

Attachment A. 2005 Summary of Toy Hazards and Examples of Potentially Dangerous Toys

- POTENTIAL CHOKING HAZARDS -

Standards

Under the Child Safety Protection Act (CSPA) and Consumer Product Safety Commission rules:

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

Examples of Toys that Pose Potential Choking Hazards

- Toys for Children Under 3 Containing Small Parts -

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



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

Toy Name: Plastic rattles

Manufacturer: Unknown

Item Number: Unknown

Problem: Has play value for child under 3. The metal balls in the bells dislodge and are small parts. The toy is labeled with a choke hazard warning.



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

Toy Name: Animal Pal Books (My Goldfish Wish, My Pretty Kitten, My Puppy Playtime, My Baby Elephant, This Little Piggy, Itsy Bitsy Spider, Cuddles the Cow, Teddy Bear, Teddy Bear)

Manufacturer: Playmore Inc. Publishers

Item Number: UPC 70097 00215

Problem: Has play value for child under 3. The foam velcro tab rips off easily and is a small part. The book is labeled with a choke hazard warning.



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

Toy Name: Finger Paint with Finger Tools

Manufacturer: Greenbrier International

Item Number: 831935

Problem: Has play value for child under 3. The toy contains small parts that fit in the choke tube and is labeled with a choke hazard warning.



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

Toy Name: Triplets (Baby Dolls with Pacifiers)

Manufacturer: Cititoy Inc.

Item Number: 74351

Problem: The pacifiers fit in the choke tube and are attached to the dolls by a few threads; may fail "use and abuse" test. The toy is age-labeled for ages 2+ and does not have a choke hazard warning.

- Toys that May Not Meet CSPA Labeling Requirements -

Toys intended for children between the ages of three and six years old that contain small parts must include an explicit choke hazard warning. Any small ball or toy that contains a small ball must meet a stricter safety test and include an explicit choke hazard warning. Any marble intended for children older than three must include an explicit choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Assorted rings

Manufacturer: Assorted

Item Number: Assorted

Problem: Rings fit in choke tube and have play value for children under 6. Rings and other small toys are often sold in unlabeled bins without the CSPA choke hazard warning displayed.



Category: Potential CSPA labeling violation

Toy Name: Assorted small balls

Manufacturer: Assorted

Item Number: Assorted

Problem: Small balls with a diameter under 1.75 inches fail the small ball test and are often sold in bins without the CSPA choke hazard warning displayed.



Category: Potential CSPA labeling violation

Toy Name: Hot Wheels Rev-Ups Speed Shifters

Manufacturer: Mattel

Item Number: Asst H2872

Problem: The rubber tires pop off easily and fit in the choke tube. The toy has play value for a child under 6. Packaging includes a non-statutory choke hazard warning ("Small parts may be generated").



Category: Potential CSPA labeling violation

Toy Name: Bob the Builder Portable Die-Cast Vehicle (Dizzy the Mixer)

Manufacturer: RC2 Brands Inc.

Item Number: 65101

Problem: Plastic cement detaches from mixer and fits in the choke tube. The toy has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Strawberry Shortcake Fuzzy Poster Art

Manufacturer: Rose Art Industries

Item Number: C7851

Problem: Marker caps fit in the choke tube and has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Lisa Frank Posh Velvet Book to Color

Manufacturer: Dalmation Press

Item Number: ISBN 1403717273

Problem: Marker caps fit in the choke tube and has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Power Rangers DinoWarriors Marker Activity Book to Color

Manufacturer: Dalmation Press

Item Number: ISBN 140371729X

Problem: Marker cap fits in the choke tube and has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Mini Rock 'em Sock 'em Robots Party Favors

Manufacturer: Tara Toy Corp.

Item Number: 55785

Problem: Parts of toy break off easily into small parts that fit in the choke tube. The toy has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation

Toy Name: Playtime Babies 30 pc. Baby Doll Care Set

Manufacturer: Gigo Toys Factory Ltd

Item Number: 69928

Problem: Rounded blue top on "Baby Oil" fails small ball test; plastic cap on "baby wipes" breaks off easily and fits in choke tube. The toy has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Hello Kitty Party Favors (8 Lipsticks)
Manufacturer: Amscan/Sanrio
Item Number: 398245

Problem: Lipsticks fit in the choke tube and have play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Claire's Club Lip Gloss Rings (7 in a pack)
Manufacturer: CBI Distributing Corp.
Item Number: 22058-2

Problem: Rings fit in the choke tube and have play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Claire's Cosmetics 7 Pack Lip Gloss
Manufacturer: CBI Distributing Corp.
Item Number: 14992-2

Problem: Animal heads on top of lip gloss tubes twist off and fit in the choke tube. Product has play value for a child under 6. No choke hazard warning.



Category: Potential CSPA labeling violation
Toy Name: Fisher Price Loving Family Laundry Room
Manufacturer: Mattel/Fisher Price
Item Number: H7216

Problem: Toy bears on strings fit in the choke tube. Toy has play value for a child under 6. Packaging includes a non-statutory choke hazard warning ("Small parts may be generated").



Category: Potential CSPA labeling violation
Toy Name: Sunny 102 Marbles
Manufacturer: Unknown
Item Number: UPC 892096 279035

Problem: Toy contains marbles but is not labeled with the required choke hazard warning.

- Toys that Contain Near Small Parts -

These products contain small parts that almost fit in the choke test tube. Although these small parts do not violate the letter of the law, these parts could block a child's airway given their shape and size.



Category: Near Small Parts

Toy Name: You & Me Baby in Car Seat/Carrier

Manufacturer: Geoffrey, Inc.

Item Number: 53007

Problem: Baby bottle top almost fits in the choke tube. A child is likely to put this in his/her mouth. Age-labeled for ages 2 and up. No choke hazard warning.



Category: Near Small Parts

Toy Name: Wiggly Water Babies Feeding Time Baby

Manufacturer: Playmates Toys

Item Number: 12502

Problem: Baby bottle nipple pops out and almost fits in the choke tube. Age-labeled for ages 18 months and up. No choke hazard warning.



Category: Near Small Parts

Toy Name: Thomas & Friends Sodor Sawmill Playset

Manufacturer: RC2 Brands Inc.

Item Number: LC76503

Problem: Log halves almost fit in the choke tube. The toy has play value for a child under 6. No choke hazard warning.



Category: Near Small Parts

Toy Name: Tonka Outdoor Adventures

Manufacturer: Hasbro/Funrise Toy Corp.

Item Number: 4050

Problem: Red and green pieces almost fit in the choke tube. The toy has play value for a child under 6. No choke hazard warning.

- Balloons -

All balloons must include a warning about the dangers of uninflated or broken balloons to children younger than 8 years of age.



Category: Balloons

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

Manufacturer: Amscan

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

Problem: Children under 8 years can choke or suffocate on uninflated or broken balloons. The product includes the statutory choke hazard warning, but these balloons are intended for use by children under 8 years old.



Category: Balloons

Toy Name: Thomas & Friends Balloons

Manufacturer: Pioneer National Latex

Item Number: UPC 75060 01065

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

- POTENTIAL STRANGULATION HAZARDS -

Standards

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

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

Examples of Toys that Pose Potential Strangulation Hazard



Category: Strangulation

Toy Name: Water Yo-Yo Ball

Manufacturer: Assorted

Item Number: Assorted

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



Category: Strangulation/Choking

Toy Name: Flashing Jellyfish, Flashing Noodle Yo-Yo

Manufacturer: Assorted

Item Number: Assorted

Problem: The stretchy cord of the toy can wrap around a child's neck when the child swings the toy overhead like a lasso. In addition, according to Consumer Reports, the batteries easily tear through the squishy material. A child swallowing the battery could choke, and a battery could eat away at the esophagus or stomach lining. Some provide a warning label for children under 3, but many do not.



Category: Strangulation

Toy Name: Bungee-Roos (assorted animals)

Manufacturer: Ganz

Item Number: Assorted

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

- EXCESSIVELY LOUD TOYS -

Standards

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

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

- Close-to-the-ear toys: Toys in this classification shall not produce continuous sound with an equivalent sound pressure level that exceeds 70 dB when measured from a distance of 25 centimeters.

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

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

Examples of Excessively Loud Toys



Category: Excessively loud toys

Toy Name: Elite Operations Quantum Blast Set

Manufacturer: Geoffrey, Inc.

Item Number: 38267

Maximum Decibel Measurement:

25 cm: 95

10 cm: 97

1 cm: 103

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



Category: Excessively loud toys
Toy Name: Road Rippers SSR Concept
Manufacturer: Toy State Industrial Ltd
Item Number: 33564
Maximum Decibel Measurement:

25 cm: 92
10 cm: 97
1 cm: 105

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



Category: Excessively loud toys
Toy Name: Road Rippers PT Cruiser
Manufacturer: Toy State Industrial Ltd
Item Number: 3365
Maximum Decibel Measurement:

25 cm: 95
10 cm: 99
1 cm: 102

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



Category: Excessively loud toys
Toy Name: Electronic Robo Tendor
Manufacturer: Hilco Corporation
Item Number: 2225
Maximum Decibel Measurement:

25 cm: 92
10 cm: 97
1 cm: 99

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



Category: Excessively loud toys
Toy Name: KidConnection Electronic Guitar
Manufacturer: Wal-Mart Stores
Item Number: 45465
Maximum Decibel Measurement:

25 cm: 95 (at full volume)
10 cm: 102 (at full volume)
1 cm: 117 (at full volume)

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

- POTENTIALLY TOXIC TOYS -

Standards

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

Examples of Potentially Toxic Toys



Category: Contains potentially toxic chemicals
Toy Name: Gloworm
Manufacturer: Hasbro
Item Number: 06552
Problem: According to PIRG-commissioned lab tests, the soft plastic face contains three types of phthalates (DEHP, DBP, and DNOP).⁸³



Category: Contains potentially toxic chemicals
Toy Name: AquaDuck Water Filled Playmat
Manufacturer: Infantino
Item Number: 150-2063
Problem: According to PIRG-commissioned lab tests, the soft plastic contains two types of phthalates (DEHP and DEP).⁸⁴



Category: Contains potentially toxic chemicals
Toy Name: Claire's Cosmetics Nail Polish
Manufacturer: CBI Distributing
Item Number: 43229-4, 75245-1 (and other assorted colors)
Problem: Claire's brand nail polish often contains dibutyl phthalate or xylene (according to product labels).



Category: Contains potentially toxic chemicals
Toy Name: Expressions Makeup 5 Piece Nail Polish Set
Manufacturer: Almar Sales
Item Number: 467333
Problem: Nail polish contains xylene (according to the product label).



Category: Contains potentially toxic chemicals
Toy Name: Manicure Set
Manufacturer: Greenbrier International
Item Number: 838713
Problem: Nail polish contains dibutyl phthalate (according to the product label).



Category: Contains potentially toxic chemicals
Toy Name: Disney Cuties Tipz 'Ta Toez Polish Set
Manufacturer: Added Extras LLC
Item Number: 89444
Problem: Nail polish contains toluene (according to the product label).



Category: Contains potentially toxic chemicals
Toy Name: Disney Princess Lip Pot & Mini Nail Collection
Manufacturer: boom! LLC/Disney
Item Number: 12459-4
Problem: Nail polish contains xylene (according to the product label).



Category: Contains potentially toxic chemicals
Toy Name: Limited Too Disco Time Makeup Kit
Manufacturer: Too Brands, Inc.
Item Number: 55034076
Problem: Nail polish contains xylene (according to the product label).

Attachment B. Toy-Related Deaths, 1990-2004

Toy-Related Deaths (Children Under 15): 1990-2004

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Total
Choking Deaths																
Balloons	6	3	6	6	6	8	7	4	4	4	1	4	3	3	1	68
Balls	2	2	3	6	4	2	0	3	1	4	2	1	2	5	4	41
Marbles	0	2	1	0	0	1	0	0	0	0	1	0	0	0	0	5
Toy Or Toy Part	6	6	1	4	3	1	3	2	3	1	2	4	3	2	2	43
Total	14	13	11	16	13	12	10	11	8	9	6	9	8	10	7	157
Riding Toys, Scooters																
Total	4	8	4	5	4	6	2	0	4	4	8	13	5	0	6	73
Toy Chests																
Total	4	2	2	1	0	0	0	1	0	1	1	1	0	0	0	13
Strangulation																
Total	1	1	3	2	0	1	1	0	0	0	0	1	0	0	2	12
Other																
Total	0	1	2	1	1	2	0	1	2	2	2	1	0	1	1	17
TOTAL TOY DEATHS	23	25	22	25	18	21	13	13	14	16	17	25	13	11	16	272
% BY CHOKING	61%	52%	50%	64%	72%	57%	77%	85%	57%	56%	35%	36%	62%	91%	44%	58%

Attachment C. PIRG's 2005 Survey of Online Toy Retailers

Company Name	Web Address	# of toys examined	1. Search by age?	2. If yet, access to inappropriate toys?	3. Choke hazard warning?	4. Warning on same page?	5. Statutory warning?	6. Manufacturer's age recommendation?
Amok Time Toys	www.amoktime.com	5	No	n/a	No	n/a	n/a	No
Are You Game	www.areyougame.com	5	Yes	No	3/5	Yes	Yes	Yes
ArK Toys	www.arktoys.com	5	No	n/a	3/5	Yes	Yes	3/5
Back to Basics Toys	www.backtobasict toys.com	5	Yes	No	No	n/a	n/a	Yes
Big Bad Toy Store	www.bigbadtoy store.com	5	No	n/a	No	n/a	n/a	No
Boardgames.com, Inc.	www.boardgames.com	5	No	n/a	Yes	Yes	4/5	4/5
Board Games Express	www.boardgamesexpress.com	5	No	n/a	No	n/a	n/a	Yes
Candy's Shoppe	www.candysshoppe.com	5	No	n/a	No	n/a	n/a	Yes
Discovery Channel Store	http://shopping.discovery.com	5	Yes	Yes	Yes	Yes	Yes	4/5
Disney Store	www.disneystore.com	3	No	n/a	No	n/a	n/a	2/3
ebay	www.ebay.com	5	No	n/a	No	n/a	n/a	2/5
etoys	www.etoys.com	5	Yes	No	3/5	No	Yes	Yes
Fisher Price	www.fisherprice.com	5	Yes	No	No	n/a	n/a	Yes
FunFamilyStore	www.dbzstore.com	5	No	n/a	2/5	Yes	No	No
HobbyTron	www.Hobbytron.com	5	No	n/a	No	n/a	n/a	No
Imagine the Challenge	www.ImagineToys.com	5	Yes	No	No	n/a	n/a	Yes
IQ Kids	http://www.iqkids.net/	5	Yes	No	No	n/a	n/a	Yes
JCPenney	www.jcpenney.com	5	Yes	No	No	n/a	n/a	Yes
Kazoo Toys	www.kazootoys.com	5	Yes	No	No	n/a	n/a	Yes
KB Toys	www.kbtoys.com	5	Yes	No	3/5	No	Yes	Yes
La Toys	www.latoys.com	5	No	n/a	No	n/a	n/a	1/5
Lego	www.lego.com	5	Yes	No	Yes	No	Yes	Yes
Mastermind Toys	www.mastermindtoys.com	5	Yes	No	No	n/a	n/a	Yes
Once Upon a Time Toys	www.onceatoy.com	5	Yes	Yes	4/5	Yes	Yes	Yes
Oriental Trading Company	www.orientaltrading.com	5	No	n/a	No	n/a	n/a	No
Sears	www.sears.com	5	No	n/a	Yes	Yes	Yes	Yes
Silly Goose	www.usillygoose.com	5	Yes	No	No	n/a	n/a	Yes
Target	www.target.com	5	Yes	Yes	No	n/a	n/a	3/5
Toy Connection	www.toyconnection.com	5	No	n/a	No	n/a	n/a	No
Toy Magnets	www.toymagnets.com	5	Yes	Yes	1/5	Yes	Yes	Yes
Toy Wiz	www.toywiz.com	5	No	n/a	No	n/a	n/a	No
Toys 2 Wish 4	www.toys2wish4.com	5	Yes	No	No	n/a	n/a	Yes

Company Name	Web Address	# of toys examined	1. Search by age?	2. If yes, access to inappropriate toys?	3. Choke hazard warning?	4. Warning on same page?	5. Statutory warning?	6. Manufacturer's age recommendation?
Toys Camp	www.toyscamp.com	5	Yes	No	No	n/a	n/a	3/5
Toys N Joys	www.toysnjoys.com	5	No	n/a	3/5	Yes	Yes	No
Toys R Us	www.toysrus.com (via amazon.com)	5	Yes	No	Yes	Yes	Yes	Yes
Tree House Toy Shop	www.treehousetoyshop.com	5	No	n/a	No	n/a	n/a	No
Walmart	www.walmart.com	5	Yes	No	No	n/a	n/a	Yes

Questions asked:

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

Attachment D. Putting the ‘Phthalate-Free’ Label to the Test: Laboratory Test Results

Test results are in micrograms per kilogram (ug/kg), or parts per billion.

Toy Name	Item Number	Brand/Manufacturer	Labeled	Diethylhexyl phthalate (DEHP)	Butyl benzyl phthalate (BBP)	Di-isononyl phthalates (DINP)	Di-n-butyl phthalate (DBP)	Di-n-octyl phthalate (DNOP)	Diethyl phthalate (DEP)	Dimethyl phthalate (DMP)
Rubber duck	RDKS/21236	Schylling	Phthalate Free	< 9,900	< 9,900	< 9,900	49,000	< 9,900	< 9,900	< 9,900
Baby King 2-Pack Water Teether	BK404	Regent Baby Products Corp.	Phthalate Free (yellow sticker on outside of packaging)	< 9,900	< 9,900	< 9,900	< 9,900	< 9,900	< 9,900	< 9,900
Cool Animal Teether	Y1473	The First Years	Phthalate free. This product does not contain phthalates.							
Sassy Baby's First Books (Baby's Peek-a-Boo Book)	8444	Sassy	Products are phthalate-free.	100,000	< 9,900	< 9,900	390,000	54,000,000	< 9,900	< 9,900
Soft Freezer Teether	333	Cool Baby	PVC Free	< 10,000	< 10,000	< 10,000	< 10,000	< 10,000	< 10,000	< 10,000
Fun Ice Soothing Ring Teether	UPC: 35282 74601	Munchkin	This product does not contain PVC with phthalates.	< 10,000	< 10,000	< 10,000	53,000	< 10,000	< 10,000	< 10,000
Just Animals! (Pink Pig)	9111246	Small World Toys/IQ Baby	No Phthalate (printed on bottom of toy)	< 10,000	< 10,000	110,000	< 10,000	< 10,000	< 10,000	< 10,000
Rub a Dub Squirters for the Tub (Snail)	700G	ALEX	Phthalate Free.	57,000	< 10,000	< 10,000	< 10,000	< 10,000	< 10,000	< 10,000

A measurement of < 9,900 or < 10,000 ug/kg indicates that phthalates were not detectable at that quantitation limit.

End Notes

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- ¹ Memo from Joyce McDonald, Consumer Product Safety Commission (CPSC), “Toy Related Deaths and Injuries, Calendar Year 2004,” dated October 13, 2005.
- ² See, for example, Hot Wheels AcceleRacers (Asst. G7784) and Hot Wheels Monster Jam (Asst. 21572), both age-labeled for 3+.
- ³ See, for example, Big Sister Dora (G8361) and Buenas Noches Dora figurine (Asst. G3834), both age-labeled for 3+.
- ⁴ CPSC press release, “CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys,” September 24, 2003. Available at <http://www.cpsc.gov/cpsc/pub/prerel/prhtml03/03190.html>.
- ⁵ “Safety Alert: Be Aware of the Yo-Yo Ball,” *Consumer Reports*, December 2003.
- ⁶ Data compiled by Lisa Lipin from incident reports received by the Consumer Product Safety Commission. Accessed at <http://www.dangersofwateryoyos.com/> on October 27, 2005.
- ⁷ “Yo-yo toys pose new concerns,” *Consumer Reports*, October 2005.
- ⁸ Massachusetts Office of Consumer Affairs press release, June 11, 2003.
- ⁹ “Safety Alert: Be Aware of the Yo-Yo Ball,” *Consumer Reports*, December 2003.
- ¹⁰ CPSC press release, “CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys,” September 24, 2003. Available at <http://www.cpsc.gov/cpsc/pub/prerel/prhtml03/03190.html>.
- ¹¹ CPSC press release, “CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys,” September 24, 2003. Available at <http://www.cpsc.gov/cpsc/pub/prerel/prhtml03/03190.html>.
- ¹² CPSC press release, “CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys,” September 24, 2003. Available at <http://www.cpsc.gov/cpsc/pub/prerel/prhtml03/03190.html>.
- ¹³ H.R.3738, introduced in the 109th Congress, available at <http://thomas.loc.gov/home/thomas.html>.
- ¹⁴ A3010, sponsored by David R. Mayer and Robert J. Smith, passed the Assembly (71-5-1) on October 7, 2004.
- ¹⁵ New York Consumer Protection Board press release, April 10, 2003. Available at http://www.consumer.state.ny.us/pdf/yo_%20yo_%20waterball%20_release.pdf.
- ¹⁶ Assembly Bill A9048 was introduced on August 12, 2005. Senate Bill S5960 was introduced on September 12, 2005.
- ¹⁷ Assembly Bill A692 was introduced on September 26, 2005; Senate Bill S335 was introduced on September 16, 2005.
- ¹⁸ Massachusetts Office of Consumer Affairs press release, June 11, 2003.
- ¹⁹ Consumer Product Safety Bureau, “Immediate Prohibition of Yo-yo Type Balls and Similar Products,” press release, October 2, 2003. Accessed November 1, 2005 at http://www.hc-sc.gc.ca/cps-spc/advisories-avis/aw-am/yoyo_e.html.
- ²⁰ UK Department of Trade and Industry press release, April 24, 2003. See also Australia Office of Consumer and Business Affairs press release, May 22, 2003. Available at http://www.ocba.sa.gov.au/pdf/yoyo_ballban.pdf.
- ²¹ “Yo-yo toys pose new concerns,” *Consumer Reports*, October 2005; personal communication with Donald L. Mays, Senior Director, Product Safety and Consumer Sciences, Consumers Union / Consumer Reports, October 30, 2005.
- ²² ASTM F963, Section 4.13.1
- ²³ ASTM F963, Section 4.13.2
- ²⁴ “Stuffed Toy Mobiles Recalled,” 21 November 1979, <http://www.cpsc.gov/cpsc/pub/prerel/prhtml79/79065.html>; “Stuffed Animal Mobiles Recalled Because of Strangulation Hazard – Recent Death Cited,” 10 September 1987, <http://63.74.109.9/cpsc/pub/prerel/prhtml87/87048.html> or <http://www.recall-warnings.com/cpsc-content-87-87048.html>.
- ²⁵ ASTM F963 (96a), Section 5.11.
- ²⁶ Karen A. Bilich, “Protect Your Child’s Hearing,” *American Baby*, August 9, 2001.
- ²⁷ Karen A. Bilich, “Protect Your Child’s Hearing,” *American Baby*, August 9, 2001.
- ²⁸ AS Niskar et al, “Prevalence of hearing loss among children 6 to 19 years of age: The Third National Health and Nutrition Examination Survey,” *JAMA* 1998; 279: 1071-1075.
- ²⁹ See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2005; also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, at <http://www.nidcd.nih.gov/health/wise/index.asp>.
- ³⁰ OSHA Noise Exposure Standard, 39 FR 23502 (as amended) section 19010.95

³¹ See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2005; also see the National Institute on Deafness and Other Communication Disorders, National Institutes of Health, at <http://www.nidcd.nih.gov/health/wise/index.asp>.

³² See Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2005.

³³ ASTM F963 4.5.

³⁴ League for the Hard of Hearing, fact sheet, available at <http://www.lhh.org/noise/children/toys.htm>. See also Dangerous Decibels, a project of Oregon Hearing Research Center at the Oregon Health & Science University, at <http://www.dangerousdecibels.org/hearingloss.cfm>, accessed November 1, 2005.

³⁵ ASTM F963, Section 4.5.

³⁶ ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).

³⁷ ASTM F963, Section 4.5 and Annex A5.5 (Acoustics).

³⁸ Analysis based on a conversation with Rachel Weintraub, Assistant General Counsel at the Consumer Federation of America, October 29, 2003. Ms. Weintraub sat on the ASTM committee drafting the new acoustics standard.

³⁹ ASTM F963, Section 4.3.1.

⁴⁰ 15 U.S.C. 1261(f)(1)

⁴¹ ASTM F963, Section 4.3.4.

⁴² 16 CFR 1500.231.

⁴³ Phthalate Esters Panel of the American Chemistry Council, *What are Phthalates?*, downloaded from www.phthalates.org on 14 April 2004; Catherine Dorey, Greenpeace, *Chemical Legacy: Contamination of the Child*, October 2003.

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