

# **Trouble in Toyland**

**The 18<sup>th</sup> Annual Survey of Toy Safety**

**National Association of State PIRGs**

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# **Acknowledgements**

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# Executive Summary

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Toys are safer than ever before, thanks to decades of advocacy 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 2003 *Trouble in Toyland* report is the 18<sup>th</sup> 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 pose potential safety hazards. PIRG's research focused on four categories of toys: toys that pose choking hazards, toys that are dangerously loud, toys that pose strangulation hazards or could form sharp projectiles, and toys that contain toxic chemicals.

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

## **CHOKING HAZARDS**

Choking on small parts, small balls and balloons remains a leading cause of toy-related deaths and injuries. At least 140 children choked to death on children's products between 1990 and 2002, a rate of about 12 deaths a year. Our researchers found:

- Manufacturers and retailers continue to sell toys that have small parts but are not labeled with the statutory choke hazard warning.
- Toy manufacturers are over-labeling toys by placing choke hazard warnings on items that do not contain small parts. We are concerned that this will diminish the meaning of the labels, making them less useful to parents.
- Retailers are doing a better job of placing choke hazard labels on bins in which toys with small parts are sold, as required by law.
- Balloons are still manufactured and marketed in shapes and colors attractive to young children and often sold in unlabeled bins.

## **STRANGULATION AND OTHER HAZARDS**

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

- The popular yo-yo water ball poses particular hazards to young children, including strangulation and other injury to the eyes, neck and face.

- PIRG researchers found one toy with a long elastic cord and bead at the end, which may pose a strangulation hazard to small children.
- Manufacturers continue to market cheap dart guns and bow and arrow sets that include hard projectiles with flimsy suction cup tips that easily pop off.

### **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*. ASTM promulgated a new acoustics standard for toys in November 2003, setting the loudness threshold for most hand-held toys at 90 decibels; the Occupational Safety and Health Administration (OSHA) reports that prolonged exposure to sounds at 85 decibels or higher can result in hearing damage. PIRG researchers found:

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

### **TOXIC TOYS**

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

- PIRG surveyed more than 40 toy manufacturers and book publishers about their use of phthalates in children's toys and other products. Of those who responded, most reported that they have stopped using phthalates in teething toys, mouthing toys and other toys and products intended for children under three, although several admitted that toys for older children may contain these chemicals.
- Manufacturers are selling play cosmetic sets that include nail polish containing toxic chemicals, such as xylene and dibutyl phthalate.
- Tests have shown popular polymer clays used for crafts, such as Fimo and Sculpey brands, contain up to 14 percent phthalates by weight and may expose children, as well as adults, to dangerous levels of phthalates through inhalation and ingestion.

### **PURCHASING TOYS ON THE INTERNET**

Increasingly, parents are turning to the Internet as a convenient way to shop for toys, especially during the busy holiday shopping season. PIRG researchers conducted its third annual survey of online toy retailers, finding that more online toy retailers than ever before are displaying some sort of choke hazard warning on at least some of their toys—although mandatory requirements are still necessary. Specifically:

- One-third of online retailers surveyed (13/41) displayed some sort of choke hazard warning next to toys that otherwise by law require such labeling on their packaging, although most retailers do not display these warnings consistently on their websites.

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

Since CPSC has yet to require online retailers to include choke hazard warnings on their websites, however, the majority of retailers still do not include choke hazard warnings next to products that otherwise legally require this labeling. Other gaps identified in the survey:

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

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

## **RECOMMENDATIONS**

### **To consumers and parents:**

Be vigilant this holiday season and remember that:

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

### **To the CPSC:**

- Reexamine the parameters by which toys are judged for age appropriateness.
- Enlarge the size of the small parts test tube and require that rounded toys meet the same choke hazard standards as small balls.
- Enforce the new ASTM acoustics standards for loud toys and consider strengthening the standards to reduce the sound threshold for hand-held toys from 90 decibels to 85 decibels.
- Require manufacturers of the popular yo-yo water ball to label the toy with warnings about potential strangulation and other bodily injury.

- Require online toy retailers to display safety warnings otherwise required by law on toy packaging on their websites.
- Require manufacturers to label toys, not merely packaging, with manufacturer identification.
- Ban phthalates in toys and other products intended for children under five.

#### **To toy manufacturers:**

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

#### **To toy stores and online toy retailers:**

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

# **Introduction**

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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 13 children, none older than 12 years old, died in 2002 from toy-related injuries. Approximately 212,400 people sought treatment in hospital emergency rooms in 2002 for toy-related injuries, of which more than 72,000 (34 percent) were younger than five years old. The number of toy-related injuries dropped significantly between 2001 and 2002, attributable to a coinciding drop in the number of injuries from non-motorized scooters. Riding toys, including scooters, accounted for more injuries than any other category of toy—38 percent.<sup>1</sup> See Attachment B for more data on toy related deaths.

Since 1986, PIRG has conducted toy safety research and education projects to avoid such tragic and preventable deaths and injuries. PIRG toy safety reports over the last 18 years have led to more than 100 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 140 children choked to death on children's products between 1990 and 2002, a rate of about 12 deaths a year.

## **Choking Hazards**

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### **Regulatory History**

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

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

Throughout the 1980s, consumer groups lobbied Congress and CPSC to increase the size of the small parts test and to require an explicit choke hazard warning on toys intended for older children, if the toys contained banned small parts. A 1992 campaign



led by ConnPIRG and other child safety advocates resulted in a tough choke hazard warning label law that took effect in Connecticut on January 1<sup>st</sup>, 1993. The Connecticut law laid the foundation for a federal standard, and in 1994, Congress passed the Child Safety Protection Act of 1994 (CSPA).

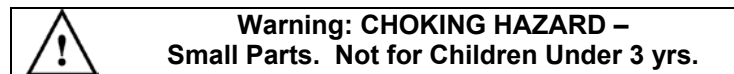
The CSPA required choke hazard labels on toys, balloons and marbles intended for children under six if they contained banned small parts and increased the size of the small ball test from 1.25 inches to 1.75 inches. The Child Safety Protection Act was signed into law by President Clinton on June 16, 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**

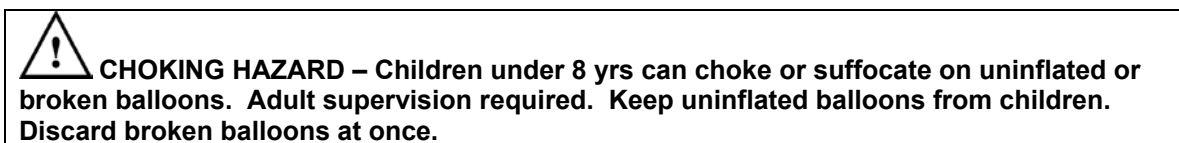
Any marble intended for children older than three must include the following warning:



### **Balloons**

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children's product. Almost half (46 percent) of the choking fatalities reported to the CPSC have involved balloons. At least 57 children have died from balloons since 1990. PIRG's list of dangerous toys includes balloons marketed for young children as well as unlabeled balloons that are still on store shelves.

The 1994 CSPA requires the following choke hazard warning on all balloons:



### **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 September and October 2003 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 for children under six without the statutory choke hazard warning; and balloons printed with messages appealing to young children or sold loose in bins without choke hazard warnings.
- Manufacturers are over-labeling their toys, placing choke hazard warnings on toys without small parts or small balls. This over-labeling dilutes the weight of the warning.

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

## **Recommendations**

PIRG recommends that parents use a choke testing tube or a cardboard toilet paper roll to test small toys and parts; if a toy or toy part fits in the cardboard tube, then it is too small for a child under 3 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 8 play with latex balloons.

PIRG calls on CPSC to change the small-ball rule to include small round or semi-round objects and 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, Projectiles & Other Toy Hazards**

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## **Strangulation**

### **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..."<sup>2</sup>

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."<sup>3</sup> 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 lack 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.<sup>4</sup> 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."<sup>5</sup>

## **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."<sup>6</sup> 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.<sup>7</sup> In addition, the standard states that rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).<sup>8</sup> Any protective

tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.<sup>9</sup>

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

## **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-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 more than 30 types of yo-yo water balls made in China and Taiwan and sold in the United States by many different companies.<sup>10</sup> Based on information from industry sources, CPSC believes that over the last year, there have been approximately 11-15 million yo-yo ball toys distributed in the U.S., selling for between \$1 and \$5.<sup>11</sup>

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 4 and 8 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup> In May 2003, the Canadian government issued a warning that the water yo-yo may pose a strangulation hazard to children; the government re-issued the warning in August, 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.”<sup>15</sup> This follows bans on their sale in France, Switzerland, Australia and the United Kingdom. This is the first toy to be banned in the UK in more than a decade.<sup>16</sup>

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.” The Commission noted that it had received 186 reports of incidents in which the yo-yo ball

toy's cord wrapped around a child's neck. Although there were no lasting injuries, seven cases reported broken blood vessels affecting eyes, eyelids, cheeks, neck, scalp or the area behind the ears.<sup>17</sup> 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. Some major retailers, including Toys R Us, Walgreen's, and Saks, have stopped selling the toy.<sup>18</sup> 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.<sup>19</sup> *Consumer Reports* found that the balls burn aggressively when held over a candle flame.<sup>20</sup> 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.<sup>21</sup>

### **Recommendations**

The yo-yo balls' packaging does not adequately reflect the dangers posed by the toy. Currently, some manufacturers of the toy distribute it in a plain plastic bag. PIRG calls on CPSC to recall the yo-yo ball and issue a moratorium on sales until manufacturers label their products with the following warnings:

- Improper use of this toy can lead to strangulation and other bodily injury to the eyes, face and head.
- Not suitable for children under 8 years old.

### **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 fell a bit in 2002 to 81,300 injuries, but scooters and other riding toys still cause more injuries than any other category of toy (38 percent).<sup>22</sup> 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.

# Toxic Toys

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ASTM's toy safety standards state that toys or materials used in toys must conform to the Federal Hazardous Substances Act.<sup>23</sup> 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."<sup>24</sup> In addition, play cosmetics—cosmetics intended for children under 14—must conform to the requirements of the Federal Food, Drug and Cosmetic Act.<sup>25</sup> 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.<sup>26</sup>

## Phthalates in Products Intended for Small Children

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

For years, diisononyl phthalate, or DINP, was one of the most common phthalates used to soften vinyl toys. Tests commissioned by Greenpeace in 1998 found that some toys contained up to 40 percent DINP by volume.<sup>27</sup> Studies have shown that DINP causes cancer and reproductive disorders in laboratory experiments.<sup>28</sup> A Chronic Hazard Advisory Panel authorized by CPSC to examine the existing scientific data concerning the potential risks of phthalates to humans concluded that while the majority of children would not be adversely affected by DINP, "there may be a DINP risk for any young children who routinely mouth DINP-plasticized toys for seventy-five minutes per day or more."<sup>29</sup>

In 1998, in response to a petition filed by PIRG and other groups, CPSC asked that the toy industry voluntarily remove phthalates from rattles and teethingers. This year, PIRG researchers conducted a survey of more than 40 toy manufacturers to determine their compliance with this request and outline their policies on using phthalates in products intended for children. Although PIRG did not commission follow-up laboratory tests to confirm, most of the companies that responded to the survey stated they have stopped using phthalates in teethingers, mouthing toys and other toys and products intended for children under three.<sup>a</sup> Some companies admitted to using phthalates in some products intended for older children; others did not know if their products contained

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<sup>a</sup> Parents should contact manufacturers not listed if they are concerned that a toy contains phthalates. Not all companies responded to our requests for information.

phthalates or failed to respond to repeated requests for information. See Attachment D for a complete list of manufacturers contacted and their policy on phthalates.

Despite this notable progress, PIRG researchers still found toys on store shelves that are intended for children younger than three and contain phthalates. Empire State Consumer Association, a consumers' rights group based in New York, commissioned independent laboratory tests of a small vinyl duck manufactured by Toysmith and found in a bin at a major toy retailer (see Attachment A). Laboratory tests found that this toy contains 67% phthalates by weight; its simple construction makes it age-appropriate for a child younger than three.

Some manufacturers have turned to alternative plasticizers to soften PVC. Risk & Policy Analysts and the Research Institute for Toxicology reviewed the availability of substitute plasticizers and their potential health effects and for the European Commission in June 2000. The study examined the potential risks of two substitute plasticizers, o-acetyltributyl citrate (ATBC) and diethylhexyl adipate (DEHA). The researchers found that ATBC, the most common substitute plasticizer, is safer than DINP, but the margin of safety for DEHA is actually lower than that for DINP. The researchers note that there is comparatively less research on toxicity and migration for these chemicals than for phthalates.<sup>30</sup>

PVC, with or without phthalates, may pose its own set of health and environmental risks because of the stabilizers and plasticizers added to it.<sup>31</sup> Fortunately, there are viable alternatives to PVC. Some manufacturers have stopped using PVC and instead use a substitute plastic, ethylene vinyl acetate (EVA). EVA does not have the safety concerns associated with PVC; it can be used without a plastic softener.

### **Recommendations**

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

Since new products enter the marketplace everyday and PIRG did not reach all manufacturers of children's products, PIRG calls on CPSC to formally ban the use of phthalates in all toys for children five years old and under.

### **Phthalates in Modeling Clay**

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

These clays contain polyvinyl chloride (PVC) mixed with phthalate plasticizers. While the phthalate plasticizers make the clay soft and workable, they are associated with potential



health risks. As noted above, phthalates as a class of chemicals have been implicated in birth defects, reproductive problems, nerve system damage and other negative health effects.

In 2002, Vermont PIRG (VPIRG) released research indicating that children and adults using polymer clays may be exposed to phthalates at harmful levels—even when clays are prepared following proper package directions.<sup>32</sup> VPIRG sent samples of Sculpey and Fimo polymer clay products purchased from local stores in Montpelier, Vermont to laboratories for both compositional analysis and exposure analysis. Laboratory testing of the clays by Philips Services in Ontario, Canada revealed that mixed phthalates comprised between 11 and 14 percent of the total contents of each of the Fimo samples. The Sculpey samples each contained between 3.5 and 4.4 percent mixed phthalates.

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

- The Occupational Safety and Health Administration (OSHA) has established an eight-hour standard for adult workers' exposure to certain phthalates at 5 milligrams per cubic meter of air. Using this standard as a measure for comparison, inhalation testing showed that the baking process could expose children and parents to up to twice this level.

- Estimates of ingestion exposure for five of the clays tested found that a child who played for 5 minutes with 100 grams of clay could exceed the maximum daily exposure level for certain phthalates allowed under Florida's drinking water limit.

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

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

### **Recommendations**

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

## **Toxic Chemicals in Children's Cosmetics**

The Consumer Product Safety Commission 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."<sup>33</sup>

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

### **Xylene**

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

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

Xylene affects the brain. High levels from exposure for short periods (14 days or less) or long periods (more than 1 year) can cause headaches, lack of muscle coordination, dizziness, confusion, and changes in one's sense of balance. Exposure of people to high levels of xylene for short periods can also cause irritation of the skin, eyes, nose, and throat; difficulty breathing; problems with the lungs; delayed reaction time; memory difficulties; stomach discomfort; and possibly changes in the liver and kidneys. It can cause unconsciousness and even death at very high levels.<sup>34</sup>

### **Dibutyl Phthalate**

PIRG researchers also found several examples of play cosmetics containing dibutyl phthalate (see Attachment A for a list of products.)

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.<sup>35</sup>

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, have also been reported in oral animal studies.<sup>36</sup>

### **Recommendations**

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

## **Dangerously Loud Toys**

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Every day, almost 140 million Americans experience noise levels that the U.S. Environmental Protection Agency (EPA) categorizes as “annoying or disruptive.”<sup>37</sup> 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.”<sup>38</sup> 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*.<sup>39</sup>

The Occupational Safety and Health Administration (OSHA) reports that prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage.<sup>40</sup> 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.<sup>41</sup>

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

### **Standards for Loud Toys**

Many manufacturers indicate on a loud toy's packaging that it conforms to the safety requirements of ASTM F963, the Standard Consumer Safety Specification for Toy Safety. The guideline states that toys “shall not produce impulsive noises with an instantaneous sound pressure level exceeding 138dB when measured at any position 25cm from the surface of the toy.”<sup>42</sup> 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.<sup>43</sup>

As of November 2003, ASTM finalized new and more specific specifications for sound-producing toys that are “intended to minimize the possibility of hearing damage that might be caused by toys that are designed to produce sound.”<sup>44</sup> CPSC has the authority to enforce the ASTM voluntary standards and exercises that authority when necessary. These standards, when implemented, will include the following:<sup>45</sup>

- 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.<sup>46</sup>

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:<sup>47</sup>

- 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.

- 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 2 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.

# Survey of Online Toy Retailers

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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 researchers conducted its third annual survey of online toy retailers, finding that more online toy retailers than ever before are displaying some sort of choke hazard warning on at least some of their toys—although mandatory requirements are still necessary. Specifically:

- One-third of online retailers surveyed (13/41) displayed some sort of choke hazard warning next to toys that otherwise require such labeling on their packaging or point of sale, although most retailers do not display these warnings consistently on their websites.
- Four online toy retailers use the statutory choke hazard warning on their websites, and six additional retailers use the statutory language but do not include the statutory warning symbol (⚠).

Despite this progress, the majority of retailers still do not include choke hazard warnings next to products that otherwise legally require this labeling. Other gaps include:

- Of the retailers surveyed, only half (20) allow consumers to shop for toys by age group. Of these 20 websites, six post or direct parents to toys that are not age-appropriate.
- Eleven of the retailers provided no manufacturer age recommendations for the toys we surveyed.

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

## Recommendations

Although more online retailers are displaying choke hazard warnings than ever before, not all retailers are displaying these warnings since such online labeling remains voluntary. 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**

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

## **Loopholes in Toy Safety Regulation**

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

Even when companies do comply with the laws, the current regulations do not address all of the choking hazards posed by toys. Since 1980, at least 12 children have choked to death on balls ranging in size between 1.25" and 1.75" in diameter, the respective sizes of the old and new small ball test. 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 regulation.

Not all manufacturers are in full compliance with the 1994 CSPA warning label requirements. Many older toys are still on toy shelves, and neither Congress nor the CPSC requires manufacturers to update old packaging with new warnings.

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: online sales of toys grew 22 percent from \$650 million in 1999 to \$793 million in 2000.<sup>48</sup> Yet these stores pose special difficulties for consumers. Although PIRG's third annual survey of toy websites found more online toy retailers than ever before are 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 2003 survey of online toy retailers).

## **Ineffective Toy Recall**

While CPSC has been aggressive over the past years in recalling unsafe toys, very few consumers who purchase recalled products – fewer than 20 percent -- ultimately find out about the recall. Even though CPSC occasionally announces recalls publicly through national television, national toy stores and pediatrician's offices, many consumers still do not find out about recalled toys. CPSC has launched <http://www.recalls.gov> as one means to communicate to a broader audience about recalled toys and other products.

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



products difficult if not impossible. Manufacturers, on the other hand, rarely have any way of contacting consumers who have purchased their products. Very few consumers fill out “warranty” cards provided with some products, because the questions asked are so clearly intended for marketing purposes.

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

## **Positive Trends in Toy Safety**

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PIRG researchers identified several positive trends as a result of its 18<sup>th</sup> annual toy safety survey:

- Overall, most toy manufacturers are complying with the letter and spirit of the Child Safety Protection Act with regards to labeling their toys with statutory warnings, although PIRG researchers were able to find toys without adequate labeling.
- ASTM has developed standards for excessively loud toys, although they could be strengthened to be more protective of children's delicate ears.
- Many toy manufacturers have complied with the CPSC's request to voluntarily remove PVC and phthalates from teethingers, rattles and other products intended for small children. Despite manufacturer response, CPSC should formally ban the use of phthalates in all products intended for children under five years old.
- A few toy companies are beginning to label their toys as PVC and phthalate free, although PIRG did not conduct laboratory tests to confirm their claims.
- More online toy retailers than ever before are displaying some form of choke hazard warnings on their web pages, although only one-third of retailers surveyed have taken this action. CPSC should require that online toy retailers display statutory choke hazard warnings next to products sold on their websites if they require such labeling on their packaging.
- Since implementation of the 1994 Act, fewer banned toys or toys with obsolete labels remain on shelves, due to stock depletion.

# Methodology

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**Choking hazard:** We categorized toys as a potential choking hazard if a) they contain small parts or small balls but are intended for children under 3; b) they contain small parts or small balls, are intended for children over 3, but lack the statutory choke hazard warning; or c) they are intended for children under 6, lack the statutory choke hazard warning and appear to fail the “use and abuse” test, breaking easily into small parts that fit in the choke tube.

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

**Projectile hazard:** We categorized toys as dangerous projectiles if a) the projectile is rigid and measures less than 4 millimeters in diameter; or b) the protective tip of a rigid projectile measuring less than 4 millimeters in diameter pops off easily, exposing the hard tip.

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

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

**Online toy survey:** We compiled a list of numerous toys on toy store shelves that require and contain proper choke hazard labeling. We then identified as many online toy retailers as possible, ultimately compiling a list of more than 40 vendors. On each website, we searched for five toys requiring choke hazard labeling and noted whether or not the statutory choke hazard warning was displayed with the product listing. (On some sites, five toys requiring choke hazard warnings were not available.) For websites allowing consumers to search for toys by age group, we entered the category including toys for 2 year olds and attempted to locate toys that had small parts. 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 2003 online toy survey.

**Phthalates survey:** In September-November 2003, we contacted toy manufacturers by phone, fax and email to determine whether they use phthalates in their children’s products. Not all companies responded to the survey. If a company did not respond to the survey in 2003 but did in 2002, we included the company’s 2002 response in the findings, available in Attachment D.

## **Attachments**

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A. Summary of Toy Hazards and Potentially Hazardous Toys. These toys, found on store shelves in September and October of 2003, are examples of toys that are potentially hazardous to children. The list is not intended to be all-inclusive.

B. Deaths from Toys 1990-2002. Table detailing annual toy-related deaths, based on data released from the CPSC.

C. PIRG's 2003 Survey of Online Toy Retailers. PIRG surveyed 41 online toy retailers for their use of statutory choke hazard warnings on their websites.

D. PIRG's 2003 Survey of Company Policies on Phthalates. In September-November 2003, PIRG surveyed toy companies regarding their use of phthalates in products intended for small children.

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

### **- Potential Choking Hazard -**

#### **Standards**

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

#### **Examples of Toys that Pose Potential Choking Hazard**

##### **- Toys for Children Under 3 Containing Small Parts -**



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

**Toy Name:** Dora the Explorer Bracelets Party Favors

**Manufacturer:** Tara

**Item Number:** 55210

**Problem:** Labeled as appropriate for 2+. May fail the “use and abuse” test, as the bracelets twist apart easily and have small parts that fit in the choke tube.

*CSPA means Child Safety Protection Act of 1994, which requires specific warnings on toys with small parts or small balls for children younger than 6 years old. Toys on this list are examples of potentially dangerous toys. This list includes only examples from a survey conducted in September and October of 2003 and should NOT be regarded as all inclusive. Consumers should read PIRG’s “Tips for Toy Safety,” available at [www.toysafety.net](http://www.toysafety.net), for more information.*



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

**Toy Name:** Fire Engine Book, School Bus Book

**Publisher:** Dorling Kindersley Publishing

**Item Number:** Fire Engine (ISBN 0-7894-3711-2); Bus (ISBN 0-7894-4731-2)

**Problem:** Simple picture book may have play value for children under 3. Book labeled with statutory small parts choke hazard warning. May fail “use and abuse” test, as the book’s plastic tab pulls off easily.

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- Toys that May Not Meet CSPA Labeling Requirements -

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**Category:** Potential CSPA labeling violation

**Toy Name:** Stamp & Notes Set

**Manufacturer:** Dena Designs

**Item Number:** Friends Forever (18303), Glam Girl (18305), Best Bugs (18304), Glitter Bug (18307)

**Problem:** Product has small parts, no age labeling and no choke hazard warning. Has play value for a child under 6.

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**Category:** Potential CSPA labeling violation

**Toy Name:** Fisher Price Loving Family Pony Parade

**Manufacturer:** Fisher Price/Mattel

**Item Number:** 74155-0910

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

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**Category:** Potential CSPA labeling violation

**Toy Name:** Fisher Price Loving Family Mom & Newborn

**Manufacturer:** Fisher Price/Mattel

**Item Number:** B0130-0910

**Problem:** Toy carrot fits in choke tube; string may be long enough to allow the toy to enter a child's throat. Bow on baby pony's tail slides off easily and fits in choke tube. Has play value for a child under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Fisher-Price Loving Family Baby Horse Blossom

**Manufacturer:** Fisher-Price

**Item Number:** 75419-0910

**Problem:** Blue bow fits in choke tube; stuffed bunny (stitched to toy) fits in choke tube and may fail use and abuse test. Has play value for a child under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Fisher-Price Friendship Ponies Twinkle

**Manufacturer:** Fisher-Price

**Item Number:** B5865-0910

**Problem:** Pink booties fit in choke tube. Has play value for a child under 6. No choke hazard warning.

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**Category:** Potential CSPA labeling violation

**Toy Name:** Hello Kitty Figurine 3-Pack

**Manufacturer:** Sanrio/Nakajima

**Item Number:** 3175-8 Assorted

**Problem:** Figurine with soccer ball may fail the use-and-abuse test. Soccer ball twists off, posing a choking hazard. Platform under left foot also twists off. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Ty Teenie Beanie Boppers

**Manufacturer:** Ty Inc.

**Item Number:** Caring Carla (326), Beautiful Belle (313), Jazzy Jessie (302), Witty Wendy (329), Trendy Tracy (322), Classy Cassie (325), Pretty Penny (311), Playful Peggy (321), Glitzy Gabby (306)

**Problem:** May fail "use and abuse" test for small parts; the sandals are attached by a single string and pull off with a strong tug. Toy has play value for children under 6. No choke hazard warning.



**Category:** Potential CSPA labeling violation

**Toy Name:** Barbie Stamp Set

**Manufacturer:** Mattel

**Item Number:** 79633-4

**Problem:** Round stamps and icon rubber stamps fit in choke tube. Toy has play value for children under 6. No choke hazard warning on packaging.

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**Category:** Potential CSPA labeling violation

**Toy Name:** Expressions 12 Bangles and Rings

**Manufacturer:** Almar Sales Co.

**Item Number:** BR53/UPC 713478

**Problem:** Toy rings fit into the choke tube. Toy has play value for children under 6. No choke hazard warning on packaging.



**Category:** Potential CSPA labeling violation

**Toy Name:** Expressions 7 Piece Jewelry Set

**Manufacturer:** Almar Sales Co.

**Item Number:** EXP731/UPC 49476

**Problem:** Toy rings fit into the choke tube. Toy has play value for children under 6. No choke hazard warning on packaging.



**Category:** Potential CSPA labeling violation

**Toy Name:** Play Glow Fashion Set/Glow in the Dark Jewelry and Makeup

**Manufacturer:** Dollar Tree Distribution

**Item Number:** 84431-55816

**Problem:** Toy rings fit into the choke tube. Toy has play value for children under 6. No choke hazard warning on packaging.



**Category:** Potential CSPA labeling violation

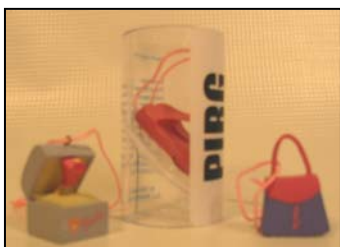
**Toy Name:** Educational Alphabet Board

**Manufacturer:** RoseArt

**Item Number:** 1436

**Problem:** Some of the magnetic letters fit in the choke tube. No choke hazard warning. Intended for children under the age of 6.

*CSPA means Child Safety Protection Act of 1994, which requires specific warnings on toys with small parts or small balls for children younger than 6 years old. Toys on this list are examples of potentially dangerous toys. This list includes only examples from a survey conducted in September and October of 2003 and should NOT be regarded as all inclusive. Consumers should read PIRG's "Tips for Toy Safety," available at [www.toysafety.net](http://www.toysafety.net), for more information.*



**Category:** Potential CSPA labeling violation  
**Toy Name:** Barbie Miniature Ornaments  
**Manufacturer:** Seasonal Specialties, LLC  
**Item Number:** 051 13-0099  
**Problem:** Three of the five ornaments fit in the choke tube. Toy has play value for children under 6. No choke hazard warning on packaging.



**Category:** Potential CSPA labeling violation  
**Toy Name:** Assorted rings  
**Manufacturer:** Unknown  
**Item Number:** Unknown  
**Problem:** Rings fit in choke tube. Have play value for children under 6. Sold in unlabeled bins without CSPA choke hazard warning displayed.



**Category:** Potential CSPA labeling violation  
**Toy Name:** Hello Kitty lip gloss ring  
**Manufacturer:** Sanrio  
**Item Number:** Unknown  
**Problem:** Rings fit in choke tube. Has play value for children under 6. Sold in box without CSPA choke hazard warning.



**Category:** Potential CSPA labeling violation  
**Toy Name:** Assorted small balls  
**Manufacturer:** Unknown  
**Item Number:** None  
**Problem:** Small balls fail the small ball test. Sold in bins without the CSPA choke hazard warning displayed.

*CSPA means Child Safety Protection Act of 1994, which requires specific warnings on toys with small parts or small balls for children younger than 6 years old. Toys on this list are examples of potentially dangerous toys. This list includes only examples from a survey conducted in September and October of 2003 and should NOT be regarded as all inclusive. Consumers should read PIRG's "Tips for Toy Safety," available at [www.toysafety.net](http://www.toysafety.net), for more information.*

- Potential Choking Hazards, continued -

**- Spherical Toys that Fail the Small Ball Test -**



**Category:** Spherical toys that fail the small ball test

**Toy Name:** Lil Chefs Market Meal Time

**Manufacturer:** Geoffrey, Inc.

**Item Number:** 936

**Problem:** Play ice cream is spherical and fails the small ball test. Children are more likely to put play food in their mouths. Toy has play value for children under 6.



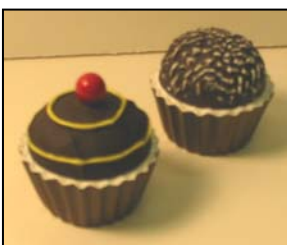
**Category:** Spherical toys that fail the small ball test

**Toy Name:** Lil Chefs Kitchen Musical Tea Set

**Manufacturer:** Geoffrey, Inc.

**Item Number:** 2498

**Problem:** Play cupcakes are spherical and fail the small ball test. Children are more likely to put play food in their mouths. Toy has play value for children under 6.



**Category:** Spherical toys that fail the small ball test

**Toy Name:** Assorted Bonbons

**Manufacturer:** Unknown

**Item Number:** 13318

**Problem:** Toy bonbons are spherical and fail the small ball test. Children are more likely to put play food in their mouths. Toy has play value for children under 6.

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- Potential Choking Hazards, continued -

- **Balloons** -



**Category:** Balloons

**Toy Name:** 1<sup>st</sup> Birthday Girl/1<sup>st</sup> Birthday

Boy/Happy 1<sup>st</sup> Birthday Balloons

**Manufacturer:** Amscan

**Item Number:** 111012 (Girl), 111016 (Boy), 117016 (Happy 1<sup>st</sup>)

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. This product is marketed for children under age 8.



**Category:** Balloons

**Toy Name:** Disney Pooh's 1<sup>st</sup> Birthday Balloons

**Manufacturer:** Pioneer National Latex Co.

**Item Number:** 75060-04236

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. This product is marketed for children under age 8.



**Category:** Balloons

**Toy Name:** Assorted latex balloons

**Manufacturer:** Unknown

**Item Number:** None

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. Balloons sold in bins labeled with the small parts choke hazard warning for children under 3 rather than the statutory balloon warning for children under 8.

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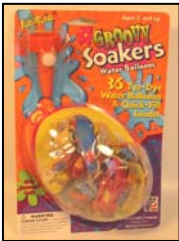
**Category:** Balloons

**Toy Name:** Water Bombs Balloons

**Manufacturer:** Dollar Zone/McCrory Corp.

**Item Number:** GT1878

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. The toy has the proper balloon warning but also says the product is for children ages 3 & up.



**Category:** Balloons

**Toy Name:** Funsational Groovy Soakers Water Balloons

**Manufacturer:** Pioneer National Latex Co.

**Item Number:** 75060-02352

**Problem:** Children under 8 years can choke or suffocate on uninflated or broken balloons. The toy has the proper balloon warning but also says the product is for children ages 6 & up.



**Category:** Balloons

**Toy Name:** Flyin' Screamin' Rocket Balloons

**Manufacturer:** JA-RU, Inc.

**Item Number:** 137

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

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**Category:** Balloons

**Toy Name:** Thomas & Friends Punch Ball

**Manufacturer:** Gullane/Pioneer National Latex Company

**Item Number:** 75060-03711

**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) marketed to children under 8.

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- Over-labeled Toys -

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**Category:** Over-labeled

**Toy Name:** Rubber Ball

**Manufacturer:** Dollar Tree Distribution

**Item Number:** 91898-56099

**Problem:** Product labeled with CSPA choke hazard warning for products with small parts. Does not contain small parts or fail the small ball test.

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**Category:** Over-labeled

**Toy Name:** Disney Princess Super Ball

**Manufacturer:** Basic Fun

**Item Number:** 1211

**Problem:** Product labeled with CSPA choke hazard warning for products with small parts. Does not contain small parts or fail the small ball test.

---

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## **- Potential Strangulation Hazard; -**

### **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/Yo-Yo Meteoric Ball

**Manufacturer:** Assorted

**Item Number:** Assorted

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

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**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.

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## - Potential Projectile Hazard; -

### Standard;

- Projectiles intended to be fired from a toy should not have any sharp edges, sharp points, or small parts.
- Rigid projectiles fired from a toy should not have a tip radius less than .08 inches (2 millimeters).
- Any protective tip should not become detached from the projectile when subject to standard “use and abuse” tests described in the ASTM guidelines.

### Example; of Toy; that Pose Potential Projectile Hazard;



**Category:** Projectile hazard

**Toy Name:** Remarkable Archer

**Manufacturer:** Symak Sales

**Item Number:** PL9905/K8345

**Problem:** The soft plastic tips of the projectiles can be removed, creating a sharp object.

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**Category:** Projectile hazard

**Toy Name:** Archery Set

**Manufacturer:** Unknown. Made in China.

**Item Number:** 319

**Problem:** The soft plastic tips of the projectiles can be removed, creating a sharp object.

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**Category:** Projectile hazard

**Toy Name:** Iron Warrior Space Arms

**Manufacturer:** Unknown

**Item Number:** KK-374

**Problem:** The soft plastic tips of the projectiles can be removed, creating a sharp object.

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**Category:** Projectile hazard

**Toy Name:** Soldier Force Battle Zone Military Combat Playset

**Manufacturer:** Unknown

**Item Number:** PT-301

**Problem:** The soft plastic tips of the projectiles can be removed, creating a sharp object.

---

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## **- Dangerously Loud Toys -**

### **Standards:**

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

- 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.

Note that the toys identified below as excessively loud were manufactured before the new ASTM acoustics standards were finalized.

### **Examples of Dangerously Loud Toys**



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

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

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**Category:** Excessively loud toys  
**Toy Name:** Power Gear Sword & Fazer  
**Manufacturer:** SRM International  
**Item Number:** 24000  
**Maximum Decibel Measurement:**  
25 cm: 97  
10 cm: 101  
1 cm: 104

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



**Category:** Excessively loud toys  
**Toy Name:** Hello Kitty Play Phone  
**Manufacturer:** Sanrio  
**Item Number:** 48399  
**Maximum Decibel Measurement:**  
25 cm: 85  
10 cm: 91  
1 cm: 102

**Problem:** Should not exceed 70 dB when measured at 25 cm, per new ASTM standards. Child would likely play with this toy at a closer distance than 25 cm. Prolonged exposure to noise above 85 decibels can cause hearing loss.



**Category:** Excessively loud toys  
**Toy Name:** Power Gear Battle Blaster  
**Manufacturer:** SRM International  
**Item Number:** 2037  
**Maximum Decibel Measurement:**  
25 cm: 94  
10 cm: 98  
1 cm: 102

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

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**Category:** Excessively loud toys  
**Toy Name:** Road Rippers SSR Race Car  
**Manufacturer:** Toy State Industrial Ltd  
**Item Number:** 33564  
**Maximum Decibel Measurement:**  
25 cm: 87  
10 cm: 93  
1 cm: 98

**Problem:** Prolonged exposure to noise above 85 decibels can cause hearing loss.



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

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



**Category:** Excessively loud toys  
**Toy Name:** Matchbox Hero City Transceiver with Microphone  
**Manufacturer:** Mattel  
**Item Number:** MB-044/92298-90447  
**Decibels:**  
25 cm: 88  
10 cm: 97  
1 cm: 109

**Problem:** May meet definition of "close-to-the-ear" toy; should not exceed 70 dB when measured at 25 cm, per new ASTM standards. Prolonged exposure to noise above 85 decibels can cause hearing loss.

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## - Potentially Toxic Toys -

### Standards

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

### Examples of Potentially Toxic Toys

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Hello Kitty Nail Polish

**Manufacturer:** Sanrio

**Item Number:** 20427

**Problem:** Contains dibutyl phthalate.

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Hello Kitty Makeup Purse

**Manufacturer:** Sanrio

**Item Number:** 8163/HK034

**Problem:** Nail polish contains xylene and dibutyl phthalate.

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Kids Treasures Makeup Kit

**Manufacturer:** Not available

**Item Number:** 22763-89386

**Problem:** Nail polish contains xylene.

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Claire's Boutique Makeup Kit

**Manufacturer:** CBI Distributing

**Item Number:** 13003-9

**Problem:** Nail polish contains xylene.

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Claire's Club lipstick, lip gloss, & nail polish

**Manufacturer:** CBI Distributing

**Item Number:** 29856

**Problem:** Nail polish contains dibutyl phthalate.

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**Category:** Contains potentially toxic chemicals

**Toy Name:** Pedicure kit with toe spacer

**Manufacturer:** Unknown

**Item Number:** 73781-7

**Problem:** Contains dibutyl phthalate.

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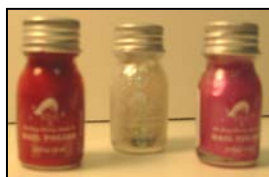




**Category:** Contains potentially toxic chemicals  
**Toy Name:** YOB Daisy/Star Tackle Makeup Kit  
**Manufacturer:** Geoffrey Inc.  
**Item Number:** 053319  
**Problem:** Nail polish contains xylene and dibutyl phthalate.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Strawberry Shortcake Scented Nail Color  
**Manufacturer:** Townley Cosmetics  
**Item Number:** 008163  
**Problem:** Contains dibutyl phthalate.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** Old Navy Beauty Supply Co. Nail Polish  
**Manufacturer:** Old Navy  
**Item Number:** Assorted  
**Problem:** Contains xylene and dibutyl phthalate.



**Category:** Contains potentially toxic chemicals  
**Toy Name:** 3D Spinning Nail Polish Caddy  
**Manufacturer:** Pecoware  
**Item Number:** 00128 BKN  
**Problem:** Nail polish contains dibutyl phthalate.

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

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

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**Category:** Contains potentially toxic chemicals  
**Product Name:** Small Vinyl Duck  
**Manufacturer:** Toysmith  
**Item Number:** Small Vinyl Duck (113-72)  
**Problem:** Contains high concentrations of phthalates; laboratory tests found that the small vinyl duck may contain 67% phthalates by weight. Has play value for a child younger than three.

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## Attachment B.

### Deaths from Toys 1990-2002

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Total
<b>Choking Deaths</b>														
Balloons	6	3	6	6	6	8	7	6	4	4	1	4	3	64
Balls	2	2	3	6	4	2	0	3	1	4	2	1	2	32
Marbles	0	2	1	0	0	1	0	0	0	0	1	0	0	5
Toy Or Toy Part	6	6	1	4	3	1	3	2	3	1	2	4	3	39
<b>Total</b>	<b>14</b>	<b>13</b>	<b>11</b>	<b>16</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>9</b>	<b>6</b>	<b>9</b>	<b>8</b>	<b>140</b>
<b>Riding Toys, Scooters</b>														
Hit by vehicle	3	4	0	3	3	4	0	0	1	2	4	10	3	37
Rode Into Pool	1	2	3	2	1	0	2	0	3	2	2	2	1	21
Other, incl. falls	0	2	1	0	0	2	0	0	0	0	2	1	1	9
<b>Total</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>13</b>	<b>5</b>	<b>67</b>
<b>Toy Chests</b>														
Closed on head	2	2	1	0	0	0	0	0	0	0	1	0	0	6
Trapped in Box	2	0	1	1	0	0	0	1	0	1	0	1	0	7
<b>Total</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>13</b>
<b>Strangulation</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>10</b>
<b>Other</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>15</b>
<b>TOTAL TOY DEATHS</b>	<b>23</b>	<b>25</b>	<b>22</b>	<b>25</b>	<b>18</b>	<b>21</b>	<b>13</b>	<b>13</b>	<b>14</b>	<b>16</b>	<b>17</b>	<b>25</b>	<b>13</b>	<b>245</b>
<b>% BY CHOKING</b>	<b>61%</b>	<b>52%</b>	<b>50%</b>	<b>64%</b>	<b>72%</b>	<b>57%</b>	<b>77%</b>	<b>85%</b>	<b>57%</b>	<b>56%</b>	<b>35%</b>	<b>36%</b>	<b>62%</b>	<b>57%</b>

Source: Consumer Product Safety Commission

## Attachment C.

### PIRG's 2003 Survey of Online Toy Retailers

Company Name	Web Address	# of toys examined	Search by age?	If yes, access to inappropriate toys?	Choke hazard warning?	Warning on same page?	Statutory warning?	Manufacturer's age recommendation?
Amok Time Toys	<a href="http://www.amoktime.com">www.amoktime.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
Are You Game	<a href="http://www.areyougame.com">www.areyougame.com</a>	5	Yes	No	5/5	Yes	No (right language, no symbol)	5/5
Ark Toys	<a href="http://www.arktoys.com">www.arktoys.com</a>	5	No	n/a	4/5	Yes	No (right language, no symbol)	3/5
Big Bad Toy Store	<a href="http://www.bigbadtoystore.com">www.bigbadtoystore.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
Boardgames.com, Inc.	<a href="http://www.boardgames.com">www.boardgames.com</a>	5	No	n/a	2/5	Yes	No (right language, no symbol)	5/5
Discovery Channel Store	<a href="http://shopping.discovery.com/">http://shopping.discovery.com/</a>	5	Yes	Yes (lumps all under 4 together)	5/5	Yes	No	5/5
Disney Store	<a href="http://www.disneystore.com">www.disneystore.com</a>	5	No	n/a	0/5	n/a	n/a	5/5
Dmart Express	<a href="http://www.dmartexpress.com">www.dmartexpress.com</a>	5	No	n/a	0/5	n/a	n/a	1/5
ebay	<a href="http://www.ebay.com">www.ebay.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
etoys	<a href="http://www.etoys.com">www.etoys.com</a>	5	Yes	No	5/5	No	Yes	5/5
FAO Schwarz	<a href="http://www.fao.com">www.fao.com</a>	5	Yes	No	0/5	n/a	n/a	4/5
FUNimation Store	<a href="http://www.dbzstore.com">www.dbzstore.com</a>	5	No	n/a	3/5	Yes	No	0/5
HobbyTron	<a href="http://www.Hobbytron.com">www.Hobbytron.com</a>	3	No	n/a	0/3	n/a	n/a	1/3
Imagine the Challenge	<a href="http://www.ImagineToys.com">www.ImagineToys.com</a>	4	Yes	No	0/4	n/a	n/a	4/4
IQ Kids	<a href="http://www.iqkids.net/">http://www.iqkids.net/</a>	5	Yes	No	0/5	n/a	n/a	5/5
JCPenney	<a href="http://www.jcpenney.com">www.jcpenney.com</a>	5	Yes	No	0/5	n/a	n/a	5/5
Kazoo Toys	<a href="http://www.kazootoys.com">www.kazootoys.com</a>	5	No	n/a	0/5	n/a	n/a	5/5
KB Toys	<a href="http://www.kbtoys.com">www.kbtoys.com</a>	5	Yes	No	5/5	No	Yes	5/5
Kmart	<a href="http://www.bluelight.com">www.bluelight.com</a>	5	Yes	Yes (groups 18 months with 3 years)	5/5	Yes	No (right language, no symbol)	3/5
La Toys	<a href="http://www.latoys.com">www.latoys.com</a>	4	No	n/a	0/4	n/a	n/a	1/4
Lego	<a href="http://www.lego.com">www.lego.com</a>	5	Yes	No	5/5	No	Yes	5/5
Mastermind Toys	<a href="http://www.mastermindtoys.com">www.mastermindtoys.com</a>	5	No	n/a	0/5	n/a	n/a	5/5

<b>Company Name</b>	<b>Web Address</b>	<b># of toys examined</b>	<b>Search by age?</b>	<b>If yes, access to inappropriate toys?</b>	<b>Choke hazard warning?</b>	<b>Warning on same page?</b>	<b>Statutory warning?</b>	<b>Manufacturer's age recommendation?</b>
MyToyBox, LLC	<a href="http://www.mytoybox.com">www.mytoybox.com</a>	4	No	n/a	0/4	n/a	n/a	3/4
Once Upon a Time Toys	<a href="http://www.onceatoy.com">www.onceatoy.com</a>	5	No	n/a	5/5	Yes	No (right language, no symbol)	5/5
Sears	<a href="http://www.sears.com">www.sears.com</a>	5	No	n/a	3/5	Yes	Yes	3/5
Silly Goose	<a href="http://www.usillygoose.com">www.usillygoose.com</a>	5	Yes	Yes	0/5	n/a	n/a	5/5
Target	<a href="http://www.target.com">www.target.com</a>	5	Yes	Yes (recommends "related" items)	0/5	n/a	n/a	5/5
Things From Another World	<a href="http://www.tfaw.com">www.tfaw.com</a>	5	No	n/a	0/5	n/a	n/a	5/5
Toy Bliss	<a href="http://www.toybliss.com">www.toybliss.com</a>	5	Yes	No	0/5	n/a	n/a	4/5
Toy Connection	<a href="http://www.toyconnection.com">www.toyconnection.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
Toy Lodge	<a href="http://www.toylodge.com">www.toylodge.com</a>	3	No	n/a	0/3	n/a	n/a	0/3
Toy Wiz	<a href="http://www.toywiz.com">www.toywiz.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
Toys 2 Wish 4	<a href="http://www.toys2wish4.com">www.toys2wish4.com</a>	5	Yes	No	0/5	n/a	n/a	5/5
Toys and Stuff	<a href="http://www.stuffed-animal-toys.com">www.stuffed-animal-toys.com</a>	4	No	n/a	0/4	n/a	n/a	0/4
Toys Camp	<a href="http://www.toyscamp.com">www.toyscamp.com</a>	5	Yes	Yes (ie Jay Jay)	0/5	n/a	n/a	0/5
Toys N Joys	<a href="http://www.toysnjoys.com">www.toysnjoys.com</a>	5	No	n/a	0/5	n/a	n/a	0/5
Toys R Us	<a href="http://www.toysrus.com">www.toysrus.com</a> (via amazon.com)	5	Yes	No	3/5	Yes	No (right language, no symbol)	5/5
Toys to Grow On	<a href="http://www.toystogrowon.com">www.toystogrowon.com</a>	5	Yes	No	0/5	n/a	n/a	5/5
Vstore	<a href="http://www.vstore.com/vstoretoys/entirelytoys">www.vstore.com/vstoretoys/entirelytoys</a>	5	Yes	No	0/5	n/a	n/a	0/5
Walmart	<a href="http://www.walmart.com">www.walmart.com</a>	5	Yes	No	1/5	Yes	No	5/5
Zany Brainy	<a href="http://www.zanybrainy.com">www.zanybrainy.com</a>	5	Yes	Yes (combines 2 and 4 yr olds)	0/5	n/a	n/a	4/5

## Attachment D.

### PIRG's 2003 Survey of Company Policies on Phthalates

Toy Company	Phthalate policy
ALEX 800-666-ALEX	All products are phthalate free. Books are labeled "soft safe phthalate-free PVC."
ANSA 918-687-1664	Does not use phthalates.
Baby Einstein/Hyperion Books 800-793-1454	Does not use phthalates.
Baby's 'N Things 516-624-2690	Does not use phthalates.
Battat 800-822-8828	All toys are PVC-free.
Brio 800-558-6863	Unable to respond to 2003 survey; contact unsure because products are manufactured overseas. Responded to 2002 survey, saying that products do not contain PVC or phthalates.
Chicco 732-805-9200	Did not respond to requests for information in 2003. Responded to 2002 survey, saying that products do not contain PVC or phthalates.
Childs Play USA 207-784-7252	No longer use PVC in products for children under 3.
Cook Communications Ministries 800-323-7543	Splish Splash vinyl bath book series is made from PVC; not sure if books contain phthalates.
Discovery Toys 925-606-2600	Phased out all teething products that contain phthalates in spring 1999.
Dorling Kindersley 212-213-4800	All products are made from EVA, not PVC. Does not use phthalates.
Even Flo 800-233-5921	Responded to 2002 survey, saying that company does not use phthalates in teething or mouthing toys; other products may contain phthalates.
Gerber 800-443-7237	Does not use phthalates.
Guidecraft 800-544-6526	Does not use PVC or phthalates.
Gund 732-248-1500	Only plastic products are "baby Gund teethingers." They are made of PVC and contain .05% DPDBT phthalate. They contain no DINP phthalate.
Hasbro 800-242-7276	Did not respond to requests for information in 2003. In 2002, stated that some toys may contain small traces of PVC.
International Play Things 800-445-8347	"Activity Spiral" contained phthalates. Product was discontinued in Dec. 2002, but old stock may still be available. No longer uses phthalates.
Kids II 770-751-0442	Did not respond to requests for information in 2003. In 2002, stated that teething toys are phthalate free; phthalates may be present in other toys.
Learning Curve Int'l 800-704-8697	In 2002, said that most toys are PVC and phthalate free.
Lego Systems 860-763-6731	DINP is used in some electric cable, but does not use phthalates in products for young children.
Little Tikes 800-321-0183	Does not use phthalates.
Manhattan Baby 800-541-1345	Did not respond to requests for information in 2003. In 2002, stated that company does not use phthalates in products for children three and under; phthalates may be found in toys for children 3 and up.

<b>Toy Company</b>	<b>Phthalates policy</b>
Mattel 800-524-8697	Did not respond to requests for information in 2003. In 2002, stated that company stopped using phthalates in teethingers, rattles and toys intended for children under 3, effective April 1, 1999.
Mega Bloks 800-465-6342	No phthalates in toy products. No PVC in pre-school toys. They export to "phthalate-free" countries.
Munchkin 800-344-2229	All products are phthalate free. Bath toys contain PVC, but use a different softener (citric). Teethingers are not made from PVC.
My Baby Products 413-562-5597	Website (www.mybabyproducts.com) says that all products are PVC and phthalate-free.
North South Books 212-706-4545	Did not respond to requests for information.
Penguin 800-631-8571, 800-253-2304	Does not use phthalates.
Random House, Inc. 800-733-3000 800-726-0600	Bath books do not contain phthalates.
Regent Baby Corp 800-424-BABY	Did not respond to requests for information in 2003. In 2002, company representative did not know whether products contained phthalates.
Safety First 800-723-3065	Did not respond to requests for information in 2003. In 2002, stated that products do not contain PVC or phthalates.
Sassy 616-243-0767	No books, feeding products, mouthing toys, or teethingers contain phthalates. Some are made of PVC, but they use a different plasticizer.
Shelcore 800-777-0453	In 2002, stated that company phased phthalates out of production in 1998.
Small World Toys 310-645-9680	No mouthing toys contain phthalates. Some toys for children over 3 may contain phthalates.
St. Martin's Press/Priddy Books 212-674-5151	Does not use PVC or phthalates.
Sterling Publishing Co, Inc. 212-532-7160	Does not use PVC or phthalates.
Straight Edge Press 800-732-3628	Per the company: "Phthalate content meets and exceeds the standards set by European Commission for products intended to be placed in mouth of kids under three."
The First Years 800-533-6708	Does not use phthalates; stopped using phthalates in teethingers more than two years ago.
Tiny Love/Maya Group Distributors 800-843-6292	Does not use phthalates.
Tomy Corporation 949-955-1030	Does not use phthalates.
Toysmith 253-859-4343 800-356-0474	Toysmith sells no products intended for children under three. Some products for older children are made with PVC, which may contain phthalates. Toy Smith is currently "moving away from [using] phthalates."  *Note: Laboratory tests have shown certain vinyl bath toys manufactured by Toysmith may contain 67% phthalates by weight. See Attachment A. These bath toys have play value for children under 3.

## End Notes

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- <sup>1</sup> Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2002." Dated October 10, 2003.
- <sup>2</sup> ASTM F963, Section 4.13.1
- <sup>3</sup> ASTM F963, Section 4.13.2
- <sup>4</sup> "Stuffed Toy Mobiles Recalled," 21 November 1979, <http://www.cpsc.gov/cpscpub/prerel/prhtml79/79065.html>; "Stuffed Animal Mobiles Recalled Because of Strangulation Hazard – Recent Death Cited," 10 September 1987, <http://www.cpsc.gov/cpscpub/prerel/prhtml87/87048.html>, accessed 10 November 2002.
- <sup>5</sup> ASTM F963 (96a), Section 5.11
- <sup>6</sup> ASTM F963, Section 4.20.
- <sup>7</sup> ASTM F963, Section 4.20.1.1.
- <sup>8</sup> ASTM F963, Section 4.20.1.2.
- <sup>9</sup> ASTM F963, Section 4.20.1.4.
- <sup>10</sup> SafeChild.net, accessed at [http://www.safechild.net/for\\_parents/yoyoball.html](http://www.safechild.net/for_parents/yoyoball.html) on October 29, 2003.
- <sup>11</sup> CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.
- <sup>12</sup> "Safety Alert: Be Aware of the Yo-Yo Ball." *Consumer Reports*. December 2003. Available at [http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt\\_id=356529&FOLDER%3C%3Efolder\\_id=295617&bmUID=1067459247966](http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt_id=356529&FOLDER%3C%3Efolder_id=295617&bmUID=1067459247966).
- <sup>13</sup> 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](http://www.consumer.state.ny.us/pdf/yo_%20yo_%20waterball%20_release.pdf).
- <sup>14</sup> Massachusetts Office of Consumer Affairs press release, June 11, 2003. Available at <http://www.state.ma.us/consumer/New/pr061103.htm>.
- <sup>15</sup> Consumer Product Safety Bureau press release, October 2, 2003. Available at [http://www.hc-sc.gc.ca/hecs-sesc/cps/yoyo\\_ball\\_prohibition.htm](http://www.hc-sc.gc.ca/hecs-sesc/cps/yoyo_ball_prohibition.htm).
- <sup>16</sup> UK Department of Trade and Industry press release, April 24, 2003. Available at <http://www.gnn.gov.uk/gnn/national.nsf/O/69BBC0E626D6DA9680256D120033BDF4?opendocument>. 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](http://www.ocba.sa.gov.au/pdf/yoyo_ballban.pdf).
- <sup>17</sup> CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.
- <sup>18</sup> CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.
- <sup>19</sup> Massachusetts Office of Consumer Affairs press release, June 11, 2003. Available at <http://www.state.ma.us/consumer/New/pr061103.htm>.
- <sup>20</sup> "Safety Alert: Be Aware of the Yo-Yo Ball." *Consumer Reports*. December 2003. Available at [http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt\\_id=356529&FOLDER%3C%3Efolder\\_id=295617&bmUID=1067459247966](http://www.consumerreports.org/main/detailv4.jsp?CONTENT%3C%3Ecnt_id=356529&FOLDER%3C%3Efolder_id=295617&bmUID=1067459247966).
- <sup>21</sup> CPSC press release, "CPSC Announces Results of Investigation of Yo-Yo Water Ball Toys," September 24, 2003. Available at <http://www.cpsc.gov/cpscpub/prerel/prhtml03/03190.html>.
- <sup>22</sup> Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2002." Dated October 10, 2003. See also Memo from Consumer Product Safety Commission, "Toy Related Deaths and Injuries, Calendar Year 2001." Dated October 23, 2002.
- <sup>23</sup> ASTM F963, Section 4.3.1.
- <sup>24</sup> 15 U.S.C. 1261(f)(1)
- <sup>25</sup> ASTM F963, Section 4.3.4.
- <sup>26</sup> 16 CFR 1500.231.
- <sup>27</sup> Joseph Di Gangi, Ph.D. *Warning: Children at Risk, Toxic Chemicals Found in Vinyl Children's Products*. Greenpeace USA, November 1998.
- <sup>28</sup> Report to the U.S. Consumer Product Safety Commission by the Chronic hazard Advisory Panel on Diisononyl Phthalate, June 2001. Available at <http://www.cpsc.gov/LIBRARY/FOIA/Foia01/os/dinp.pdf>.
- <sup>29</sup> Report to the U.S. Consumer Product Safety Commission by the Chronic hazard Advisory Panel on Diisononyl Phthalate, June 2001. Available at <http://www.cpsc.gov/LIBRARY/FOIA/Foia01/os/dinp.pdf>.

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- <sup>30</sup> *The Availability of Substitutes for Soft PVC Containing Phthalates in Certain Toys and Childcare Articles*. Prepared for the European Commission Directorate-General Enterprise by Risk & Policy Analysis Limited and Research Institute for Toxicology (The Netherlands), July 2000.
- <sup>31</sup> See Greenpeace USA's fact sheet on PVC, <http://www.greenpeaceusa.org/features/vinyltoys.htm>.
- <sup>32</sup> *Hidden Hazards: Health Impacts of Toxins in Polymer Clays*. VPIRG. July 2002. Available at <http://www.vpirg.org/downloads/HiddenHazards.pdf>. All findings in this section reference this report.
- <sup>33</sup> 16 CFR 1500.231.
- <sup>34</sup> ATSDR, <http://www.atsdr.cdc.gov/tfacts71.html>, accessed October 29, 2003.
- <sup>35</sup> ATSDR, <http://www.atsdr.cdc.gov/toxprofiles/phs135.html>, accessed October 29, 2003.
- <sup>36</sup> U.S. EPA, Technology Transfer Network Air Toxics Website, <http://www.epa.gov/ttn/atw/hlthef/di-n-but.html>, accessed October 29, 2003.
- <sup>37</sup> Karen A. Bilich, "Protect Your Child's Hearing," *American Baby*, 9 August 2001.
- <sup>38</sup> Karen A. Bilich, "Protect Your Child's Hearing," *American Baby*, 9 August 2001.
- <sup>39</sup> Niskar AS, Kieszak SM, Holmes A, Esteban E, Rubin C, Brody DJ, et al. Prevalence of hearing loss among children 6 to 19 years of age. The Third National Health and Nutrition Examination Survey. *JAMA* 1998;279:1071-1075.
- <sup>40</sup> OSHA Noise Exposure Standard, 39 FR 23502 (as amended) section 19010.95
- <sup>41</sup> See National Campaign for Hearing Health, "Toxic Noise, Are You at Risk?" [http://www.hearinghealth.net/media/files/factsheets/toxicnoise/toxic\\_noise1.pdf](http://www.hearinghealth.net/media/files/factsheets/toxicnoise/toxic_noise1.pdf), accessed October 29, 2003. Also 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 12, 2003.
- <sup>42</sup> ASTM F963 4.5.
- <sup>43</sup> League for the Hard of Hearing, fact sheet, available at <http://www.lhh.org/noise/children/toys.htm>.
- <sup>44</sup> Draft standard for F963 4.5.1 through 4.5.5 obtained from ASTM October 27, 2003. Standard finalized without substantive changes in November 2003.
- <sup>45</sup> Draft standard for F963 4.5.1 through 4.5.5 obtained from ASTM October 27, 2003. Standard finalized without substantive changes in November 2003.
- <sup>46</sup> Draft standard for F963 4.5.1 through 4.5.5 obtained from ASTM October 27, 2003. Standard finalized without substantive changes in November 2003.
- <sup>47</sup> 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.
- <sup>48</sup> *Toy Industry Fact Book 2001-2002 Edition: Chapter Five – Industry Economics and Marketing*, Toy Industry Association, 2001 (citing an NPD Group Study).