



Trouble in Toyland

The 29th Annual Survey of Toy Safety

WashPIRG
Foundation

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Executive Summary

For almost 30 years, U.S. PIRG Education Fund has conducted an annual survey of toy safety, which has led to an estimated 150 recalls and other regulatory actions over the years, and has helped educate the public and policymakers on the need for continued action to protect the health and wellbeing of children.

Among the toys surveyed this year, we found numerous choking hazards and five toys with concentrations of toxics exceeding federal standards. In addition to reporting on potentially hazardous products found in stores in 2014, this installment of the report describes the potential hazards in toys and children's products.

The continued presence of these hazards in toys highlights the need for constant vigilance on the part of government agencies and the public to ensure that children do not end up playing with unsafe toys.

Standards for toy safety are enforced by the Consumer Product Safety Commission (CPSC). Safety standards include limits on toxics in children's products, size requirements for toys for small children, warning labels about choking hazards, measures to keep magnets and batteries inaccessible, and noise limits.

U.S. PIRG Education Fund staff examined hundreds of toys to confirm that they are safe. We discovered that unsafe toys remain widely available. The problems we found include:

- **Lead.** Childhood exposure to even low levels of lead can undermine development, damaging academic achievement and attentiveness. We found unsafe levels of lead in one set of play sheriff and police badges. (More details and photos of all unsafe toys can be found in Appendix A.)

- **Chromium.** Skin contact with chromium can cause severe allergic reactions including skin redness, swelling and ulcers. Chromium compounds are also known to cause cancer. This year, lab tests revealed that a tambourine marketed to children ages two and older contained chromium at nearly 10 times the legal limit.
- **Phthalates.** Exposure to phthalates at crucial stages of development may harm development of the male reproductive system and is linked to early puberty. Lab tests confirmed that several items purchased by our shoppers contained high levels of banned phthalates. Those items include a rubber duck, plastic-covered hairclips, and a Dora the Explorer backpack.
- **Small parts are pieces that might block a child's airway.** Children, especially those under age three, can choke on small parts. Our shoppers purchased a set of foam blocks marketed to children two and up that contained multiple small parts that fit into a choke test cylinder. We also identified multiple toys containing near-small parts, which are pieces that almost fit into the choke tube and can be a choking hazard.
- **Small balls** less than 1.75 inches in diameter represent a choke hazard for children three years old and younger. We found small balls that were not labeled with the appropriate choke hazard warning. We also remain concerned about other small, rounded toys, such as toy food, that present the same choke hazard as small balls but are not labeled as a hazard.
- **Balloons** are easily inhaled in attempts to inflate them and can become stuck in children's throats.

Balloons are responsible for more choking deaths among children than any other toy or children's product. As in past years, we continue to find balloons on store shelves marketed to children under eight.

- **Magnets.** When two or more powerful magnets are swallowed, they can have fatal health consequences as their attractive forces draw them together inside the body, perforating intestinal walls. Our shoppers purchased small, high-powered magnets, despite their being recalled by the CPSC.
- **Batteries.** When batteries are ingested, chemical reactions can burn through the esophagus and blood vessels, causing fatal internal bleeding. Our shoppers purchased a toy whale that contains batteries that are accessible to small children and are nearly small enough to constitute a choke hazard. The toy has been recalled in Australia because small children can easily remove the batteries.
- **Excessive noise.** Excessive noise exposure can lead to hearing loss. This is especially problematic for young children: Hearing loss at an early age has ramifications for speech development. This year, our shoppers found toys that are loud, though not necessarily in violation of federal limits.

Despite recent progress in making toys safer, the findings of our 2014 investigation, as well as recent recalls and legal actions against importers, highlight the need for continued attention to shortcomings in existing standards and vigilance on the part of the shopping public. To keep children safe from potentially hazardous toys, there is still more to do.

Policymakers should continue building upon recent progress in the strengthening of toy safety standards. The CPSC should:

- Continue to vigorously enforce the Consumer Product Safety Improvement Act's mandatory standards for toys, including strict limits on lead and lead paint in any toys, jewelry or other articles for children under 12 years;
- Vigorously enforce the Consumer Product Safety Improvement Act's permanent ban on the use of three specific phthalates in all toys and children's products;
- Upgrade the interim ban on three additional phthalates into a permanent prohibition and expand it to include additional phthalates;
- Enlarge the small parts test tube to be more protective of children under three;
- Consider extending the standard for toys with spherical ends to apply to toys intended for children under six years old instead of under four years;
- Change the small-ball rule to include small round or semi-round objects, and not just "balls" in the strictest definition, since these toys pose the same hazards as small balls (this is especially true of rounded toy food, since it is "intended" to be eaten);
- Enforce the use of the United States' statutory choke hazard warning label;
- Continue to enforce CPSC rules requiring online warning labels; and
- Fully enforce sound and battery standards.

Parents can also take steps to protect children from potential hazards. We recommend that parents:

- Shop with U.S. PIRG Education Fund's Toy Safety Tips, available at toysafetytips.org.
- Examine toys carefully for hazards before purchase – and don't trust that they are safe just because they are on a store shelf.
- Report unsafe toys or toy-related injuries to the CPSC at www.safer-products.gov.
- Subscribe to government announcements of recalled products at www.recalls.gov.
- Remember, toys on our list are presented as examples only. Other hazards may exist.

For toys you already own:

- Remove small batteries if there is any question over their security or inaccessibility and keep them out of reach of children;
- Remove batteries from or tape over the speakers of toys you already own that are too loud; and
- Put small parts, or toys broken into small parts, out of reach. Regularly check that toys appropriate for your older children are not left within reach of children who still put things in their mouths.

Introduction

In June 2014, a judge in California ordered four California-based companies to stop importing, selling and distributing children's toys. The injunction was issued in response to allegations that the companies were operating in violation of federal consumer protection laws by knowingly importing toys containing illegal levels of lead, phthalates or small parts that present a choking hazard.¹

In November 2014, the Consumer Product Safety Commission announced that McDonald's was recalling 2.3 million Hello Kitty whistles given away with Happy Meals.² Portions of the whistle can detach, creating a choke hazard. Several children were injured by the whistles.

Despite consumer protection laws, companies continue to produce and import toys that potentially present a hazard for children, putting them at risk of injury or even death. As the examples above illustrate, in some cases manufacturers recall their products when it becomes clear they are faulty, or the court system halts the flow of potentially unsafe toys by enforcing consumer protection laws such as the Consumer Product Safety Improvement Act (CPSIA).

Nonetheless, the reality is that toys that present a potential hazard to children continue to make it onto store shelves and into homes across America. The recall of more than 11 million toys in 2013 demonstrates the need for constant vigilance on the part of government agencies and the public to ensure that unsafe products do not slip through the net.³ To help consumers identify potentially harmful products and make informed decisions about what is or is not safe for their children, U.S. PIRG Education Fund conducts an annual study of toys.

This year's report is our 29th annual study of the American toy market and its potential dangers for children. It provides a rundown of key requirements toys must meet to comply with our nation's consumer protection laws, an examination of products currently available on the market and their shortcomings and hazards, and policy recommendations that build on the strides made by the CPSIA to continue improving the toy safety landscape and protect America's youngest consumers.

Hazards in Toys

Despite progress in recent years, some toys and children's products still have the potential to cause harm. Depending on the materials used and the quality and nature of the product itself, the risks for children posed by toys and other products range from choking on small parts to suffering dangerous chemical reactions in the body. In extreme cases, the consequences can be fatal. This section describes the most common potential hazards for children, the federal standards relevant to each hazard, and toys we found that violate these standards.

Toxic Metals

Despite national laws such as the Consumer Product Safety Improvement Act of 2008 (CPSIA) and stronger enforcement by the Consumer Product Safety Commission (CPSC), toys containing metals that pose a health risk to children continue to make it onto American store shelves. Our tests this year identified toys containing lead and chromium.

Lead

Elemental lead is a soft metal occurring naturally in soils and rocks. It has a variety of commercial uses including in batteries, plastics and radiation shielding. In the past, lead was also added to gasoline and paint.⁴ Because of lead's toxicity, lead was banned in household paint, in products marketed to children, and in dishes and cookware in the United States in 1978.⁵ Lead is not discernible by sight or smell.

Lead exposure is particularly damaging for young children because of its impact on development. Even low levels of lead in blood have been shown to undermine IQ, attentiveness and academic achievement. The Centers for Disease Control and Prevention (CDC) makes clear that any amount of lead in a child's blood is unsafe.⁶

Moreover, because the effects of lead exposure cannot be reversed, it is especially important to prevent lead exposure to children in the first place. Unfortunately, toys can pose a risk in part because

lead is used in other countries and can be found in imported products.⁷

Additionally, lead may be incorporated into plastic.⁸ Lead is used to soften plastic and make it more flexible, but when the plastic is exposed to sunlight, air or detergents, the chemical bond between the lead and plastic breaks down, forming lead dust. Children can inhale or come in contact with this dust when they put toys in or near their mouths.⁹

Lead in toys continues to be an issue. As recently as June 2014, a court ordered several California-based companies to halt the importation of toys shown to contain illegal levels of lead.¹⁰ The 2011 installment of this report found books marketed to toddlers exceeding lead limits, and in January 2012 the CPSC recalled 7,000 packages of Mexican wrestling action figures for having too much lead in the surface paint.¹¹

Federal Standards for Lead

- With a few exceptions, federal law requires that all children's products manufactured after August 2011 contain no more than 100 parts per million (ppm) of total lead content in all accessible parts.¹² The CPSC defines accessible parts as parts that a child could reach through "normal and reasonably foreseeable use and abuse of the product."¹³
- Paint or similar surface coatings on all children's products are subject to a limit of 90 ppm of total lead. (Household paints are also subject to this rule.)
- Exceptions to these standards include metal components of bicycles, which cannot contain more than 300 ppm of lead. Components in electronic devices, some used children's products, inaccessible parts and other items are exempt from the lead standard.¹⁴

Note that these limits do not meet the recommendations of the American Academy of Pediatrics (AAP), which recommends that all products intended for use by children contain no more than trace amounts of lead, defined as 40 ppm, the high end of typical lead concentrations in uncontaminated soil.¹⁵

Toy Survey Findings: Lead

This year, our lab tests revealed excessive levels of lead in one product. Two of the four badges in a package of toy sheriff and police badges contained at least 110 ppm of lead in their coatings, above the 90 ppm limit for coatings. (See Appendix 1 for more details.)

Chromium

Chromium is a naturally occurring element found in plants, animals and soil. One of its common forms is used in the production of stainless steel. Other forms of chromium, known as chromium(III) and chromium(VI), are used in chrome plating, dyes and pigments, and leather tanning.

While chromium(III) is an essential nutrient with important value for the human body, chromium(VI) is potentially harmful even at relatively low concentrations. Skin contact can cause severe allergic reactions including skin redness, swelling and ulcers. Chromium(VI) compounds are also known to cause cancer, either in the lungs after inhalation or in the stomach after ingestion.¹⁶

Dyed or pigmented toys and children's jewelry represent the most likely source of harmful chromium exposure for children. A 2012 study by The Ecology Center found chromium in over 90 percent of the 99 children's and adult's jewelry pieces purchased from mainstream retailers.¹⁷

Federal Standards for Chromium

Chromium is subject to a limit in toy surface coatings and parts, after being dissolved in acid, of 60 ppm.¹⁸ This applies regardless of the form of chromium in the product.¹⁹

Toy Survey Findings: Chromium

This year, lab tests revealed high levels of chromium in a tambourine marketed for children for ages two and up. The cymbals on a Jake and the Neverland Pirates-themed tambourine contained 580 ppm of soluble migrated chromium, nearly 10 times the limit of 60 ppm.

Phthalates

Phthalates are a group of chemicals used to soften and increase the flexibility of plastics like polyvinyl chloride (PVC), which is brittle in its original formulation. The plastics industry uses large amounts of phthalates in products such as home siding, flooring, furniture, food packaging, clothing and toys. Phthalates are also commonly used in industrial products like solvents, lubricants, glue, paint, sealants, insecticides, detergent and ink.²⁰

Research has documented the potential damage of exposure to phthalates at crucial stages of development, including altered development of the male reproductive system and early puberty.²¹ At least one type of phthalate is suspected of causing cancer.²²

Some retailers, such as national super-store brand Target, have taken action to eliminate PVC – and thus phthalates – from store-brand children’s products.²³ A number of other major retailers, such as Walgreens, have not done so. A 2014 investigation by The Ecology Center found high concentrations of regulated phthalates in 13 vinyl products purchased at Walgreens locations in Michigan.²⁴

Federal Standards for Phthalates

- The CPSIA banned three types of phthalates (DEHP, DBP and BBP) at levels greater than 1,000 ppm in the plasticized parts of child care articles and toys.
- The law also established an interim ban on three other types of phthalates (DINP, DIDP and DnOP) at levels greater than 1,000 ppm in plasticized parts of child care articles and children’s toys that can be placed in a child’s mouth.²⁵ The ban is in effect while the CPSC studies these phthalates.²⁶ Inaccessible parts of toys are not subject to the ban.

In July 2014, a group of scientists appointed by the CPSC to a Chronic Hazard Advisory Panel on Phthalates and Phthalate Alternatives released recommendations for how the CPSC should proceed regarding phthalates covered by the interim ban, and phthalates in general. The panel recommended that the interim ban be lifted on two phthalates and that DINP be permanently banned. In addition, the panel advised the CPSC to add four other phthalates (DIBP, DPENP, DHEXP and DCHP) to its permanent ban.²⁷ The CPSC is reviewing these recommendations.

Toy Survey Findings: Phthalates

We found phthalates in three children’s products this year. The plastic covering on hairclips in a Hello Kitty bracelet and hairclip accessories set contained 5,100 ppm of DEHP, a phthalate that is banned at levels higher than 1,000 ppm. A rubber duck printed with a leopard pattern contained 1,400 ppm of DINP, a phthalate currently subject to the interim ban and recommended for inclusion in the permanent ban.

We found two phthalates in the decorative plastic panel on a Dora the Explorer backpack. The plastic contained 200,000 ppm of DEHP, which is banned in children’s products above 1,000 ppm, and also contained 3,000 ppm of DINP, subject to the interim ban and recommended for a permanent ban. Because the backpack may not be considered a toy or a child care product, it may not be subject to the phthalates standards. However, children handle such products extensively and U.S. PIRG Education Fund believes they should be subject to the CPSIA’s phthalates standards.

Choking Hazards

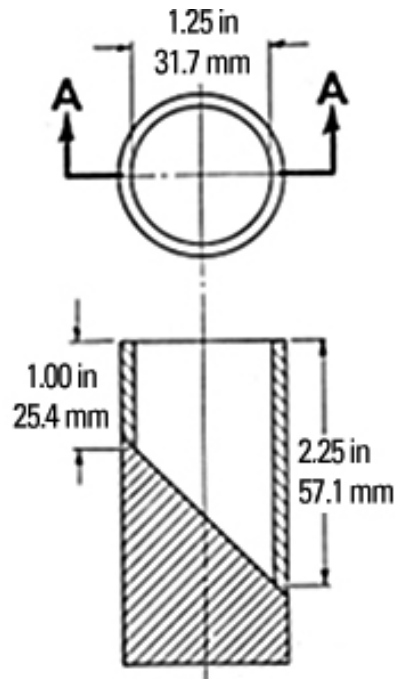
Small parts in toys, small balls and balloons all present a potential choking hazard. Choking is the leading form of toy-related deaths. From 2001 to 2012, 96 children died from choking on or asphyxiation by a play item.²⁸ (See Appendix 2.)

Small Parts

Toys containing small parts – for example, a miniature comb for a doll’s hair or small, interlocking construction blocks – may present a choking hazard for children, especially those under the age of three. Younger children are at a stage of childhood development in which mouthing or biting objects is common, increasing the risk that a small toy or component will get lodged in the windpipe. From 2001 to 2012, the most recent year for which data are available, small parts caused 23 deaths.²⁹

The CPSC defines a “small part” as anything that fits inside an official 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 (see Figure 1). This cylinder is the approximate size of the fully expanded throat of a child under the age of three.

Figure 1. Choke Test Cylinder



If a toy or part of a toy – including any part that breaks off or separates during “use and abuse” testing – fits inside the test cylinder, the product constitutes a choking hazard.³⁰

Federal Standards for Small Parts

- Federal law bans the sale of toys containing small parts if the toy is intended for use by children under the age of three.
- Toys with small parts intended for children between the ages of three and six years old must include the following explicit choke hazard warning:³¹



WARNING:

**CHOKING HAZARD--Small parts
Not for children under 3 yrs.**

- Marbles or toys containing marbles, as well as vending machines or toy bins selling products that may pose a choking hazard, are also required to post explicit warnings.³²



WARNING:

CHOKING HAZARD--This toy is a marble.
Not for children under 3 yrs.

The CPSC uses several factors to determine whether a toy is intended for children under three years old, including the manufacturer’s stated intent; age labeling on the product; the advertising and marketing of the product; and if the toy is “commonly recognized” as being intended for a child under three years old.³³ Examples of such products include squeeze toys; teething toys or articles that are affixed to a crib, stroller, playpen or baby carriage; pull and push toys; bathtub, wading pool and sand toys; and stuffed animals.³⁴ (See Appendix 3 for a list of characteristics of toys for children under three.)

A number of items, such as crayons, chalk, modeling clay and finger paints are exempt from the small parts regulation because they cannot be manufactured in a way that would prevent them from breaking into small parts when subjected to “use and abuse” testing. Children’s clothing and accessories such as shoe lace holders, diaper pins and barrettes are also exempt because they need to be small to perform their intended purpose.³⁵ Though fabric, yarn, elastic and string may fit in the choke test cylinder, they are exempt because they are unlikely to pose a choking hazard.³⁶

Toy Survey Findings: Small Parts

In this year’s survey, we found one toy marketed to children under three that contains a small part. Toys for children under three should not include small

parts. The Edushape Textured Colored Blocks are labeled for children ages two and older.³⁷ However, the set of 80 foam pieces may include several semi-circles that fit entirely into a choke test cylinder and thus are a choke hazard for small children. Several customers who purchased this foam block set from Amazon have commented that the smallest pieces pose a choke hazard to young children.³⁸ (Not all the Edushape sets we purchased contained these small pieces, though the packages were identical from the outside.)

Our shoppers identified a number of toys for children between ages three and six years that contain small parts or break into small parts, yet lack a warning label. Small parts are acceptable in toys for children this age, provided the toy includes a choke hazard warning. We purchased an 18-inch tall “Our Generation” doll named Sydney Lee that included a very small yo-yo that is a choke hazard. The packaging lacks the CPSC-required warning label discussed above. It does have a European warning label that is smaller and not as prominently displayed as the CPSC label would be. The manufacturer’s use of a warning label other than the CPSC’s is potentially misleading to parents who may be looking for the standard label and not reading the fine print of the European label.

Based on a tip from a concerned parent, we found a Disney Junior Doc McStuffins Figurine Playset that breaks readily, creating small parts. The playset, marketed for children ages three and up and labeled with a non-standard choke hazard warning, contains six figures from the popular Doc McStuffins television show. The intact figurines do not contain small parts. However, we were able to break the Doc McStuffins figurine loose from her base, creating a small part. Multiple reviewers of this product on both Amazon.com and the Disney

Store online reported that the heads of the figurines came off while being played with by children.³⁹ We were not able to replicate this flaw, but it is clear that the heads of some of the figurines would constitute a small part. Toys that are marketed to children between ages three and six years must contain a correct small parts warning label if they can break into small parts.

Our shoppers identified several other toys that contain or break into small parts, but do not have a warning label. Those toys included a beaded headband, party favors and a bathtub toy.

A third category of choking hazards that we found are near-small parts. We purchased several toys that contain near-small parts – toys just barely bigger than a choke test cylinder. These toys technically meet safety standards and do not require any choke hazard warning labels. Our findings include a Disney-licensed Piglet figurine that fits in a choke cylinder except for its toes, and an expanding Mega Gro-Bot that fits in a choke tube if its arms are squeezed in slightly. (If the Gro-Bot expands in water as much as the package promises – “up to 600%” – then it may present another hazard, too, by growing dangerously large if swallowed by a child. In 2013, the CPSC recalled water-absorbing polymer balls that created an abdominal obstruction if swallowed.⁴⁰)

Small Balls

Since 1994, federal law has treated small balls in toys as a distinct choking hazard from small parts, one that is subject to more stringent standards. The law defines a ball as “any spherical, ovoid, or ellipsoidal object designed or intended to be thrown, hit, kicked, rolled, dropped, or bounced.” In addition, the term “ball” includes any multisided object formed by connecting planes into a generally

spherical ovoid, or ellipsoidal shape that is designated or intended to be used as a ball.⁴¹ As with small parts, the risk is particularly great for young children inclined to put objects in or near their mouths. Between 2001 and 2012, the most recent year for which data are available, small balls were responsible for 35 choking fatalities in children reported to the CPSC.⁴²

U.S. PIRG Education Fund believes that small balls are not the only round toy that are a choke hazard. We recommend that all round, ball-shaped toys pass not just the small parts test but the small ball test, too. Any small, rounded toy, such as items found in toy food sets, can choke a child.

Federal Standards for Small Balls

- Balls with a diameter of less than 1.75 inches (as opposed to small parts which must fit into a cylinder 1.25 inches across) are banned for children younger than three years of age.⁴³ Toys that are spherical or have spherical parts, but are not intended for use as a ball, do not have to meet this standard.
- Any small ball intended for children over the age of three must include the following warning:⁴⁴



WARNING:

**CHOKING HAZARD--This toy is a small ball.
Not for children under 3 yrs.**

- A toy or game containing a small ball and intended for children between ages three and eight must include this warning:⁴⁵



WARNING:

**CHOKING HAZARD--Toy contains a small ball.
Not for children under 3 yrs.**

Toy Survey Findings: Small Balls

Our shoppers found several examples in 2014 of small balls for sale that were not properly labeled. For example, at a boutique toy store we found bins full of small super bouncy balls that lacked any warning label on the bin. (Even items sold in bins must be labeled.) The balls fit easily in the choke tube. They should be marked with a warning that they are not suitable for children under age three, and that they present a choke hazard.

At another store, we found what initially appeared to be a miniature baseball. Upon closer inspection, it turned out to be a washrag tightly compressed and shrink-wrapped into a baseball shape that expands when soaked in water. Labeled a “Home Run! Baseball Magic Towel,” it is a ball with play appeal to a young child. It is marked for “ages 3+” and has a diameter less than 1.75 inches. Thus, it should have a warning that it is not suitable for children under 3 and that it is a choke hazard. Another washrag in this series wrapped as a football similarly lacks a label. Because the packaging lacks a choke hazard label and is labeled “ages 3+,” the product fails to provide parents with the appropriate guidance.

Toy Survey Findings: Ball-like Toys

As in past years, we found ball-like toys that are larger than the choke test cylinder but small enough that they are the size of a small ball. For example, this year we purchased a Just Kidz Shopping Cart Playset that contained several ball-like items that would require a warning label if they were balls. The lemon and eggs in the toy set are larger than the choke test cylinder – and, therefore, technically in compliance with the law – but are small enough to fit through the small ball tester. Children are particularly likely to put toy food in their mouths, and thus small, ball-like food objects are a concern. A recent study in the

journal *Pediatrics* provides an example of how likely children are to put food-like objects in their mouths. More than 13,000 children under the age of six ate brightly colored small packets (or “pods”) of laundry detergent over a 14-month period in 2012 and 2013, and approximately one-third of those children required medical treatment.⁴⁶ To small children, these “pods” may have looked more like candy than cleaning supplies.

Balloons

Balloons pose the most serious choking hazard to children in the United States. They are responsible for more childhood deaths by suffocation than any other product. Children can suffocate on balloons by accidentally inhaling while attempting to inflate them, by inhaling uninflated balloons while sucking or chewing on them, or by inhaling pieces of broken balloons.⁴⁷ Between 2001 and 2012, the most recent year for which data are available, approximately 40 percent of all toy-related choking fatalities reported to the CPSC involved balloons.⁴⁸ Because balloons are intended for older children, and because of the risks inherent in inflating them, balloons present a serious choking hazard for children significantly older than the typical at-risk population for small parts and balls.

Federal Standards for Balloons

Balloon packages must display an explicit choke hazard warning. Due to the risk balloons pose even to older children, the warning must explain that the hazard applies to children younger than eight.⁴⁹ The required label is:



WARNING:

CHOKING HAZARD--Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

Keep uninflated balloons from children. Discard broken balloons at once.

Toy Survey Findings: Balloons

All the balloon packages we inspected in stores included the required warning label, complete with language warning that children under eight can choke on balloons and balloon parts. However we found balloons marketed to children under eight, such as with a second label indicating that the product is for children ages three and older or with conflicting small parts and balloon warning labels.

Magnets

Small, powerful magnets that rose to popularity in the mid- to late 2000s have the potential to cause serious injury and even death due to complications arising from ingestion. These rare-earth magnets are much more powerful than refrigerator magnets. Such magnets are used in various types of toys including construction sets, puzzles, toy jewelry, action figures, board games and train sets.

They are also common in novelty items containing hundreds of small magnetic pieces and marketed at adults as sculpture kits, desk toys or stress relievers.⁵⁰ “Buckyballs” – the subject of a recall ordered by the CPSC – are perhaps the most well-known example of such a product, with hundreds of small, spherical magnets, each smaller than a marble. Despite being marketed as a desk toy for adults, incidents reported to the CPSC made clear that children were nonetheless suffering serious injury after swallowing these magnets, highlighting the risk posed by adult novelty items even with appropriate warning labels.⁵¹

What makes these adult magnet sets so dangerous is that their numerous magnets are easy to lose track of and the products themselves are inherently appealing to children. While very young children may mistake component magnets for candy, older children and young adolescents may use pairs of magnets to

imitate facial or tongue piercings, thus putting magnets in a position to be accidentally inhaled or swallowed.⁵²

Once in the digestive system, a single magnet may pass through the body without incident. If two or more magnets are swallowed, however, their attractive forces can pull them toward each other, causing obstructions or pinching or trapping intestinal walls or other digestive tissue.⁵³ In extreme cases, the magnetic attraction can perforate intestinal walls. In 2013, a 19-month old girl died after seven small magnetic balls perforated her bowel, leading to infection.⁵⁴

Even non-fatal magnet-related injuries are severe. Nearly 80 percent of high-powered magnet ingestions require invasive medical intervention, either through an endoscopy, surgery or both. In comparison, only 10 to 20 percent of other foreign body ingestions require endoscopic intervention and almost none require surgery.⁵⁵

Between 2009 and 2013, the CPSC estimates that high-powered magnets caused approximately 2,900 emergency room-treated injuries.⁵⁶ A recently published study of magnet-caused injuries at one large pediatric hospital found a significant increase in their incidence between 2002 and 2012.⁵⁷

Federal Standards for Magnets

- In late September 2014, the CPSC adopted a new rule that powerful magnets, whether sold in sets or individually, must be too large to fit into the official small parts cylinder used by the CPSC to determine choke hazards (see “Choking Hazards” section). Magnets that fit into a choke tube and that exceed the CPSC’s magnetic flux standards are banned for sale. The ban on small, high-powered magnet sets takes effect on April 1, 2015.⁵⁸ (Effectively

it is in place now, because all but one brand of these magnet sets have been recalled.)

- The separate ASTM F963 standard for toys bans loose magnets or magnetic components in toys for children under the age of 14. There is an exception for magnets included in certain “hobby, craft, and science kit-type items” intended for children age eight and older, provided the products comply with special magnet hazard disclosure requirements.⁵⁹

The severity of injuries caused by small, high-powered magnets led to the CPSC’s ban. In 2012 the CPSC sued several manufacturers of small, powerful magnets to stop the distribution of Buckyballs and similar products. The lawsuits argued that warning labels had been ineffective in preventing injuries to children. All but one of the manufacturers had settled with the CPSC by the summer of 2014 and agreed to recall their products.⁶⁰ The CPSC subsequently issued its ban on all similar products because of the risk of injury and death they present.

Toy Survey Findings: Dangerous Magnets

Despite the CPSC’s summer 2014 recall of small, high-powered magnets, we were able to purchase several sets online. We purchased Buckyballs manufactured by Maxfield and Oberton from a seller in China who shipped to the U.S., despite the fact that it is illegal for anybody to sell or import this product into the U.S.⁶¹ We also bought a set of small, powerful magnets from Zen Magnets, which is fighting the CPSC’s efforts to force a recall of the company’s products.⁶²

As we did last year, we also found ellipsoid Sizzlers magnets that nearly fit in the small parts cylinder. They are sold as

a novelty “finger-fidget” toy, marketed to children ages “8+.” They are smooth and shiny and striking them together causes them to vibrate and produce a singing sound, making them appealing to children. They are also powerful enough to attach through human tissue (even as thick as a hand). While we believe these magnets do not technically violate any standards, we include them because their near-small parts size is a concern, and the CPSC notes that there have been gastroenterological injuries associated with similar ellipsoid magnets.⁶³ They illustrate the need to increase the size of the choke tube, since these toys are shaped so much like a throat.

Batteries

Batteries are commonly used in toys and other household products, and cylindrical batteries (such as “AA” or “AAA” batteries) have long posed a choking hazard. But as so-called “button” batteries – the size of a nickel or smaller – have become more common and more powerful, the risks of battery ingestion have increased.⁶⁴

While most cases of button battery ingestion cause relatively little harm because the battery passes through the body, if a battery becomes lodged in the esophagus its interaction with saliva can cause a chemical reaction that burns through the throat.⁶⁵ The reaction can continue causing damage to tissue even after the battery is removed.⁶⁶ In worst-case scenarios, the chemical reaction burns through blood vessel walls, causing internal bleeding that can lead to death.⁶⁷ CPSC data show 13 battery-related deaths between 2002 and 2010. Twelve of these cases involved button batteries.⁶⁸

Battery-related injuries have become more common in the past decade. The Centers for Disease Control and Pre-

vention (CDC) estimates that 4,800 children under the age of 13 were treated in hospitals for battery-related injuries in 2010, compared to an estimated 1,900 incidents in 1998. Between 1997 and 2010, button batteries were implicated in approximately six in 10 injuries where the battery type was identified. Battery sources included toys and light-up jewelry, as well as common household items like remote controls and watches.⁶⁹

Federal Standards for Batteries

- In toys intended for children under three years of age, all batteries must be inaccessible without the use of a common household tool such as a screwdriver or coin.
- All toys, regardless of target audience, with batteries that fit in the small parts cylinder (AAA size and smaller) must be similarly inaccessible. Testing procedures require that batteries are inaccessible before and after “use and abuse” testing, with the important implication that a toy’s batteries must be inaccessible upon purchase and remain so during typical play conditions.⁷⁰

Toy Survey Findings: Battery Hazards

We purchased a Cherubic Cetacean bath toy with a battery compartment easily opened by a child. The AA batteries, which almost fit in the choke tube, create a near-small part. The toy has been recalled in Australia because the batteries are accessible without the use of a tool.⁷¹ In addition, under mild abuse it broke into small parts that fit into the choke tube, and it does not have the CPSC warning label.

Excessive Noise

Excessive noise can be harmful, damaging the inner ear and causing hearing loss. Sounds can cause harm by being too loud even for a short period of time, or by being loud over an extended timeframe.

Hearing loss from excessive noise exposure is common in the U.S., even for the young. Sixteen percent of teens aged 12 to 19 have some self-reported hearing loss for which loud noise could be responsible.⁷² A 1998 study of children in a wider age range found approximately 15 percent of children between the ages of six and 17 showed signs of hearing loss.⁷³

Excessive noise in toys is of concern because children have the most to lose from hearing loss. Loss of hearing at an early age can affect a child’s ability to learn vocabulary, grammar, idiomatic expressions and other aspects of verbal communication.⁷⁴ This could have consequences for their educational attainment and social and professional success later in life.

Federal Standards for Noise Levels

Noise standards have improved in recent years. Toy manufacturers were not required to follow sound standard guidelines until 2009 when federal law gave the CPSC authority to enforce voluntary standards contained in the comprehensive ASTM F963 toy standard.⁷⁵

- Hand-held, tabletop, floor and crib toys producing continuous sound cannot do so in excess of 85 decibels when measured from approximately 20 inches.⁷⁶
- Close-to-the-ear toys must adhere to a continuous sound limit of 65 decibels when measured from approximately 20 inches.

- Close-to-the-ear toys are subject to a limit of 96 decibels for bursts of noise when measured from approximately 20 inches.
- All other toys are subject to a limit of 115 decibels for bursts of noise, except toys using an explosive action or percussion cap, which are limited to 125 decibels. As with all sound standards, these are noise levels as measured at approximately 20 inches.

Toy Survey Findings: Loud Toys

This year, our shoppers found toys that are loud, though not necessarily in violation of federal limits. Noise standards in ASTM F963 were revised in 2011, and as a result noise levels in toys have improved. Nevertheless, U.S. PIRG Education Fund believes that the standards are too weak and should undergo further review by the CPSC. As the Sight & Hearing Association points out, the distance at which toy volumes are tested for compliance with federal standards is longer than a child's reach.⁷⁷ The standard either should be updated to lower volumes, or the testing procedure should be changed to better represent how close children hold toys to their ears.

Policy Recommendations

With the release of this year's report, there is reason to be optimistic. As earlier sections in this report document, toy safety standards have improved in recent years and, with the passage of the Consumer Product Safety Improvement Act (CPSIA), the United States has made many formerly voluntary toy safety standards mandatory.

Nonetheless, the findings of our 2014 investigation, as well as recent recalls and legal action against importers, highlight the need for continued progress in policymaking and enforcement of existing standards, and vigilance on the part of the shopping public. To keep our children safe from potentially hazardous toys, there is still more to do.

Recommendations for Policymakers

To continue building upon recent progress in the strengthening of toy safety standards, the Consumer Product Safety Commission (CPSC) should:

- Continue to vigorously enforce the CPSIA's mandatory standards for toys, including strong limits on lead and lead paint in any toys, jewelry or other articles for children under 12 years. Lead-tainted children's products should never end up on store shelves or in the home.
- Vigorously enforce the CPSIA's existing permanent ban on the use of three specific phthalates in all toys and children's products and continue to monitor the use of phthalates in inaccessible components of children's toys and products.
- Upgrade the interim ban on three additional phthalates into a permanent prohibition. Expand the list of banned phthalates to include the four additional ones recommended by the recent Chronic Hazard Advisory Panel on Phthalates and Phthalate Alternatives.

- Enlarge the small parts test tube to be more protective of children under three.
- Extend the standard for toys with spherical ends to apply to toys intended for children under six years old instead of under four years.
- Change the small-ball rule to include small round or semi-round objects, and not just “balls” in the strictest definition.
- Enforce the use of the United States’ statutory choke hazard warning label and ensure that all manufacturers are making potential hazards clear for parents by consistently labelling their products in accordance with United States standards.
- Continue to enforce CPSC rules requiring online warning labels; and
- Fully enforce sound and battery standards.
- Become familiar with the typical dimensions of an official small part or ball. Small parts less than 1.25 inches across and up to 2.25 inches long and small balls that fit in a toilet paper roll pose a potential choke hazard for children three years of age or younger.
- Recognize that if a toy seems too loud for you, then it is probably too loud for your child.
- Check that batteries are inaccessible upon purchase and will remain so during use.
- Report unsafe toys or toy-related injuries to the CPSC at www.cpsc.gov or www.saferproducts.gov, or call the CPSC at 1-800-638-2772.

For toys you already own:

- Remove small batteries if there is any question over their security or inaccessibility, and keep them out of reach of children.
- Remove batteries or put tape over the speakers of toys you already own that are too loud.
- Put small parts, or toys broken into small parts, out of reach. Regularly check that toys appropriate for older children are not left within reach of children who still put things in their mouths. If a product you own breaks and becomes unsafe, report the problem to www.saferproducts.gov.

Recommendations for Parents

Though the toy industry has made progress in recent years and toys continue to become safer, parents should remain vigilant when shopping for toys and assessing toys already at home. To protect children from potential hazards, we recommend that parents:

- Shop with U.S. PIRG’s Toy Safety Tips available at the U.S. PIRG Education Fund website, toysafetytips.org.
- Examine toys carefully for potential dangers before making a purchase. The CPSC does not test all toys, and not all toys on store shelves necessarily meet CPSC standards. The toys included in this report are presented as examples only. Other hazards may exist.

Methodology

We examined toys and children’s jewelry from major toy retailers, drug stores, boutique toy stores, party supply stores, dollar stores and other stores selling toys. We purchased several hundred toys for further examination for choke hazards, toxic contamination or excessive noise.

Toys and children’s products suspected of lead, chromium or phthalates: We screened potential toxic toys with an XRF analyzer provided by Coming Clean. Based on those results, we sent a limited number of items to STAT Analysis Corporation in Chicago, a CPSC-accredited laboratory, for testing.⁷⁸

STAT Analysis tested for total lead levels in surface coatings using CPSC test method CPSC-CH-E1003-09.1. Chromium was tested using the method specified in ASTM F963-11 section 8.3.4.3. For phthalates, STAT Analysis followed test procedure CPSC-CH-C1001-09.3.

Choking hazards: We examined toys for potential choking hazards, looking for the following problems:

1. a toy labeled for children under three containing small parts or breaking easily into small parts;
2. a toy containing small parts or small balls but intended for children under three;
3. a toy containing small parts or small balls and intended for children over three, but lacking the statutory choke hazard warning or having a choke hazard warning that is obscured or too small;
4. a toy intended for children under six that lacks the statutory choke hazard warning and appears to fail the “use and abuse” test, breaking easily into small parts that fit in the choke tube; or
5. a toy containing near-small parts, which are slightly larger than the choke test cylinder but may pose similar hazards.

We used a choke test cylinder and a small ball tester to assess toys. We relied on labeling guidelines in ASTM F963-11 to assess compliance with labeling standards. For determining the age of children to whom a particular toy is marketed, we used Consumer Product Safety Commission, *Age Determination Guidelines: Relating Children’s Ages to Toy Characteristics and Play Behavior*, September 2002.

Appendix 1.

Summary of Toy Hazards and Examples of Potentially Dangerous Toys

Potentially Toxic Toys

Federal Standards for Lead and Chromium

- With a few exceptions, federal law requires that all children's products manufactured after August 2011 contain no more than 100 parts per million (ppm) of total lead content in all accessible parts.
- Paint or similar surface coatings on all children's products are subject to a limit of 90 ppm of total lead.
- Chromium is subject to a limit in toy surface coatings and parts, after being dissolved in acid, of 60 ppm. This applies regardless of the form of chromium in the product.

Examples of Toys Containing Lead or Chromium

Product Name	Badge Playset (star and round badge)
Label on Toy	3+
Type of Hazard	Lead
Why Toy Is a Potential Hazard	The sheriff's star and the "special police" badge contain lead above the legal coatings limit of 90 ppm, both measuring above 110 ppm.
Manufacturer/Distributor	Greenbrier International
Item # (if known)	186445-16750-004-1306
Store	Dollar Tree
Price Paid	\$1



Product Name	Jake and the Neverland Pirates tambourine
Label on Toy	2+
Type of Hazard	Chromium
Why Toy Is a Potential Hazard	The metal cymbals contain 580 ppm chromium, above the standard of 60 ppm.
Manufacturer/Distributor	Greenbrier International
Item # (if known)	187254-23285-015-1403
Store	Dollar Tree
Price Paid	\$1



Federal Standards for Phthalates

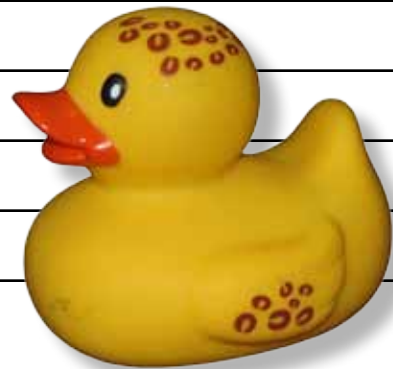
- The CPSIA banned three types of phthalates (DEHP, DBP and BBP) at levels greater than 1,000 ppm in the plasticized parts of child care articles and toys.
- The law also established an interim ban on three other types of phthalates (DINP, DIDP and DnOP) at levels greater than 1,000 ppm in plasticized parts of child care articles and children’s toys that can be placed in a child’s mouth. The ban is in effect while the CPSC studies these phthalates. Inaccessible parts of toys are not subject to the ban.

Examples of Toys Containing Phthalates

Product Name	Hello Kitty Bracelet and Hair Clips Accessory Set
Label on Toy	3+
Type of Hazard	Phthalate
Why Toy Is a Potential Hazard	The plastic covering the hairclips contains 5,100 ppm of the phthalate DEHP, above the legal limit of 1,000 ppm.
Manufacturer/Distributor	H.E.R. Accessories/Joann Stores Inc.
Item # (if known)	1342-8966
Store	Jo-Ann Fabric & Craft Stores
Price Paid	\$3



Product Name	Leopard pattern rubber duck
Label on Toy	None
Type of Hazard	Phthalate
Why Toy Is a Potential Hazard	The duck contains 1,400 ppm of the phthalate DINP, above the legal limit of 1,000 ppm.
Manufacturer/Distributor	Infantino
Item # (if known)	Had no label
Store	Walmart
Price Paid	\$0.97



Product Name	Dora the Explorer backpack
Label on Toy	3+
Type of Hazard	Phthalate
Why Toy Is a Potential Hazard	The plastic portion of the backpack contains 200,000 ppm of the phthalate DEHP and 3,000 ppm DINP, both of which are banned above 1,000 ppm. The backpack may not be considered a toy and therefore may be exempt from the standard. However, U.S. PIRG Education Fund believes that all children's products should be held to a standard that keeps children safe.
Manufacturer/Distributor	FAB Starpoint
Item # (if known)	k56684-AN-012411
Store	Walgreens
Price Paid	\$4.99



Potential Choking Hazards

Federal Standards for Choking Hazards

- Federal law bans the sale of toys containing small parts or that easily break into small parts if the toy is intended for use by children under the age of three.
- Toys with small parts intended for children between the ages of three and six years old must include an explicit choke hazard warning.
- Any small ball or toy that contains a small ball must meet a stricter safety test than small parts and include an explicit choke hazard warning.
- Marbles or toys containing marbles, as well as vending machines or toy bins selling products that may pose a choking hazard, are also required to post explicit warnings.
- Balloon packages must display an explicit choke hazard warning about the dangers of uninflated or broken balloons to children younger than eight.

Examples of Toys that Pose Potential Choking Hazards

Choking Hazards: Small Parts

Product Name	Edushape 80 Pieces Textured Blocks
Label on Toy	2+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The smallest semi-circular foam blocks in this set fit into the choke test cylinder. (Not every set we purchased contained these small parts.) Small parts are not allowed in toys for children under 3.
Manufacturer/Distributor	Edushape
Item # (if known)	Cat. No. 716080
Store	We purchased sets with small parts from both a boutique toy store and Amazon.
Price Paid	\$34.99



Choking Hazards: Small Part Label Violations

Product Name	Our Generation: Sydney Lee and “Stars in Your Eyes”
Label on Toy	Non-standard choke hazard warning; 3+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The yo-yo included with the doll fits into the choke test cylinder. It should have a CPSC small parts warning label, as required for toys with small parts and intended for children ages 3 to 5.
Manufacturer/Distributor	Maison Joseph Battat
Item # (if known)	086090130
Store	Target
Price Paid	\$31



Product Name	Disney Junior Doc McStuffins Figurine Playset
Label on Toy	Non-standard choke hazard warning; 3+
Type of Potential Hazard	Choking
Why Toy Is a Potential Hazard	The figurines can be broken off their bases, creating small parts that fit into the choke test cylinder. The toy should have a CPSC small parts warning label, as required for toys containing small parts and intended for children ages 3 to 5.
Manufacturer/Distributor	Disney Store
Item # (if known)	B00BQD7LU2
Store	Amazon
Price Paid	\$13.84




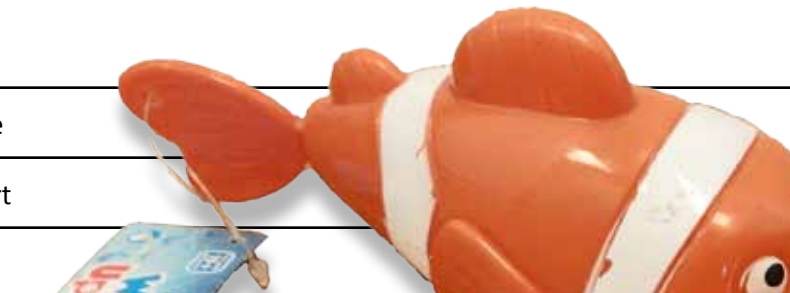
Product Name	Rhinestone Rosette Bow Headband
Label on Toy	None
Type of Potential Hazard	Choking
Why Toy Is a Hazard	Beads can fall off the headband, creating small parts that fit into the choke test cylinder. The toy should have a small parts warning label, as required for toys containing small parts and intended for children ages 3 to 5.
Manufacturer/ Distributor	Mix & Co.
Item # (if known)	None
Store	Family Dollar
Price Paid	\$2



Product Name	Favors Surprises (spiral drawing pieces)
Label on Toy	None
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The smallest circles in the set fit into the choke tube. It should have a small parts warning label, as required for toys containing small parts and intended for children ages 3 to 5.
Manufacturer/ Distributor	Greenbrier International
Item # (if known)	188067-13590-094-1308
Store	Dollar Tree
Price Paid	\$1



Product Name	Princess Party Favors Surprises (6 pack of “watches” with ballbearing game)	
Label on Toy	None	
Type of Hazard	Choking	
Why Toy Is a Potential Hazard	The “watches” can be broken into small parts that fit into the choke tube. The product should have a small parts warning label, as required for toys containing small parts and intended for children ages 3 to 5.	
Manufacturer/ Distributor	Greenbrier International	
Item # (if known)	109685-13096-002-1406	
Store	Dollar Tree	
Price Paid	\$1	
		

Product Name	Wind Up Fun	
Label on Toy	Statutory choke hazard warning; 18m+	
Type of Potential Hazard	Choking	
Why Toy Is a Hazard	The tail can break off, and it fits into the choke test cylinder. The toy should not be labeled for children under 3.	
Manufacturer/ Distributor	Auxo	
Item # (if known)	None	
Store	Kmart	
Price Paid	\$2	

Choking Hazards: Near-Small Parts

These toys do not violate any current federal standard but demonstrate the need to enlarge the choke test cylinder.

Product Name	Disney Figurine--Winnie the Pooh--Piglet
Label on Toy	3+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The toy nearly fits into the choke test cylinder. Only its toes stick out.
Manufacturer/Distributor	Beverly Hills Teddy Bear Company
Item # (if known)	DCF10013 0114D
Store	99 Cents Only Stores
Price Paid	\$0.99



Product Name	Grow Metallix Mega Gro-Bot
Label on Toy	4+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The toy nearly fits into the choke test cylinder. It fits if its arms are squeezed. (If the Gro-Bot expands in water as much as the package promises, then it may present another hazard, too, by growing dangerously large if swallowed by a child and creating an abdominal obstruction.)
Manufacturer/Distributor	Alley Oop!/Greenbrier International
Item # (if known)	196926-09511-001-1401 or UPC: 6 39277 96926 2
Store	Dollar Tree
Price Paid	\$1

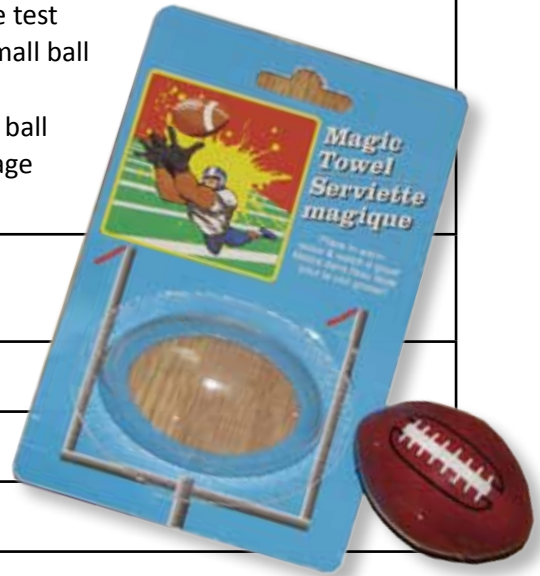


Product Name	Grow Color Changers
Label on Toy	4+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The toy nearly fits into the choke test cylinder. It fits if squeezed slightly. (If the toy expands in water as much as the package promises, then it may present another hazard, too, by growing dangerously large if swallowed by a child and creating an abdominal obstruction.)
Manufacturer/Distributor	Inspirefly Toys, LLC/Alley Oop! LLC/Greenbrier International
Item # (if known)	181667-09511-001-1307 or UPC: 6 39277 81667 2
Store	Dollar Tree
Price Paid	\$1



Choking Hazards: Small Balls

Product Name	Magic Towel (football shape)
Label on Toy	3+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The ball is larger than the choke test cylinder but smaller than the small ball tester. The toy lacks a small ball warning, required for any small ball intended for children over the age of three.
Manufacturer/Distributor	Greenbrier International
Item # (if known)	119208-10062-001-1207
Store	Dollar Tree
Price Paid	\$1



Product Name	Magic Towel (baseball shaped)
Label on Toy	3+
Type of Hazard	Choking
Why Toy Is a Potential Hazard	The ball is larger than the choke test cylinder but smaller than the small ball tester. The toy lacks a small ball warning, required for any small ball intended for children over the age of three.
Manufacturer/Distributor	Greenbrier International
Item # (if known)	119208-10052-001-1210
Store	Dollar Tree
Price Paid	\$1



Product Name	Rubber bouncy ball
Label on Toy	None
Type of Potential Hazard	Choking
Why Toy Is a Hazard	The ball is smaller than the choke test cylinder and the small ball tester. The toy lacks a small ball warning, required for any small ball intended for children over the age of three.
Manufacturer/Distributor	Unknown
Item # (if known)	None
Store	Boutique toy store
Price Paid	\$0.49



Choking Hazards: Ball-Like Toys

This toy does not violate any current federal standard but demonstrates the need to strengthen the standard for toys that pose similar risks to small balls.

Product Name	Shopping Cart Playset
Label on Toy	3+
Type of Potential Hazard	Choking
Why Toy Is a Hazard	The eggs and lemon in this set are circular near-small parts, and also look like something that should be eaten.
Manufacturer/Distributor	Just Kidz
Item # (if known)	0-03463546-6 or UPC 7 42293 25330 4
Store	Kmart
Price Paid	\$20



Choking Hazards: Balloons

Product Name	Mega Value Pack 16 Latex Punch Balloons
Label on Toy	Statutory balloon warning (Children under 8 can suffocate), the statutory small parts warning (not for children under 3), and a 3+ label.
Type of Hazard	Choking
Why Toy Is a Potential Hazard	Balloons are dangerous for children under 8, but this package is labeled for 3+.
Manufacturer/Distributor	Amscan
Item # (if known)	No. 392656 13158 or UPC 0 48419 93287 1
Store	Party City
Price Paid	\$5.99



Magnetic Toys

Federal Standards for Magnetic Toys

- Powerful magnets, whether sold in sets or individually, must be too large to fit into the official small parts cylinder used by the CPSC to determine choke hazards. Magnets that fit into a choke tube and that exceed the CPSC’s magnetic flux standards are banned for sale. The ban on small, high-powered magnet sets takes effect on April 1, 2015.⁷⁹ (Effectively it is in place now, because all but one brand of these magnet sets have been recalled.)
- Weaker magnets or magnets too large for the choke test cylinder are banned in toys for children under the age of 14, with an exception for magnets included in certain “hobby, craft, and science kit-type items” intended for children age eight and older, provided the products comply with special magnet hazard disclosure requirements.

Example of Powerful Magnets

Product Name	The Mini Set
Label on Toy	Lengthy disclaimer
Type of Hazard	Ingestion
Why Toy Is a Potential Hazard	Comparable toys have been subject to a recall by the CPSC. Zen Magnets is fighting the CPSC’s efforts to recall its products.
Manufacturer/Distributor	Zen Magnets
Item # (if known)	None
Store	Zen Magnets online store
Price Paid	\$12.65



Product Name	Buckyballs
Label on Toy	Lengthy disclaimer
Type of Hazard	Ingestion
Why Toy Is a Potential Hazard	This toy is subject to a recall by the CPSC. It is illegal to sell it in the U.S.
Manufacturer/Distributor	Maxfield & Oberton
Item # (if known)	UPC 8 56590 00322 4
Store	Buckyballstore.com
Price Paid	\$20



Product Name	Sonic Sound Sizzlers Noise Magnets
Label on Toy	8+
Type of Hazard	Ingestion
Why Toy Is a Potential Hazard	The toy contains two high powered magnets that are near-small parts. If the toy were a small part, it would be banned for children under 14.
Manufacturer/Distributor	Ja-Ru Inc.
Item # (if known)	152194
Store	Toys R Us
Price Paid	\$2



Potential Battery Hazards in Toys

Federal Standards for Batteries in Toys

- In toys intended for children under three years of age, all batteries must be inaccessible without the use of a common household tool such as a screwdriver or coin.
- All toys, regardless of the age of the target audience, containing batteries that fit in the small parts cylinder must keep the batteries similarly inaccessible.

Example of Toy Containing Battery Hazard

This toy does not violate any current federal standard but is an example of how batteries can be easily accessible.

Product Name	Cherubic Cetacean
Label on Toy	Non-standard choke hazard warning; 3+
Type of Hazard	Choking and Ingestion
Why Toy Is a Potential Hazard	Children can remove the batteries, which are near-small parts. The toy has been recalled for this reason in Australia. In addition, under mild abuse it broke into small parts that fit into the choke tube, and it does not have the CPSC warning label.
Manufacturer/Distributor	Hua Cai
Item # (if known)	B698A
Store	Super 99c Century
Price Paid	\$6.99



Appendix 2.

Reported Toy-Related Deaths, 2001-2012

Toy-Related Deaths in Children Younger than 15, 2001-2012⁸⁰

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2001-2012 Total
Choking/ Asphyxiation													
Balloons	4	3	3	3	2	3	4	2	2	5	5	2	38
Rubber balls/ other small ball	1	2	5	4	9	4	5	2	0	3	0	0	35
Toy or Toy Part	3	3	3	2	0	5	1	1	2	2	0	1	23
Sub-total	8	8	11	9	11	12	10	5	4	10	5	3	96
Riding Toys, Scooters, Tricycles	13	5	0	5	8	11	8	10	8	1	4	7	80
Toy Boxes	2	0	0	0	0	0	0	1	1	2	1	0	7
Other	2	0	0	8	7	5	6	9	4	6	7	1	55
Total	25	13	11	22	26	28	24	25	17	19	17	11	238
% Choking/ Asphyxia	32%	62%	100%	41%	42%	43%	42%	20%	24%	53%	29%	27%	40%

Appendix 3.

CPSC Characteristics of Toys for Children Under Three

The following are some general characteristics that make toys appealing to children under three.

Size and Weight: Small and lightweight, easy to handle.

Theme: Represents a common object found around the home, farm or neighborhood.

Degree of Realism: Silly or cute, some realistic details.

Colors: Bright, contrasting colors covering large areas of the toy.

Noisemaking: Not loud or frightening.

Action and Movement: May be silly, should be easy for child to cause movement.

Type and level of skill: Lets child begin to learn skills or practice skills such as walking, stacking, and sorting; should be slightly beyond child's capabilities to maintain interest.

Notes

1. James Libach, Consumer Affairs, *Judge Orders Halt to Import and Sale of Hazardous Children's Products*, 13 June 2014.

2. Consumer Product Safety Commission, *McDonald's Recalls Hello Kitty Themed Whistles Due to Choking and Aspiration Hazards*, 10 November 2014.

3. Jordan Durrett, Kids in Danger, *After the Recall: Dangerous Products Remain in Homes: Children's Product Recalls in 2013 and Recall Effectiveness of 2012 Recalls*, 18 February 2014.

4. Centers for Disease Control and Prevention, *Fourth National Report on Human Exposure to Environmental Chemicals*, February 2009.

5. Centers for Disease Control and Prevention, *Lead: Toys*, accessed at www.cdc.gov/nceh, 21 October 2014.

6. Centers for Disease Control and Prevention, *Lead: Prevention Tips*, accessed at www.cdc.gov/nceh, 21 October 2014.

7. See note 5.

8. Ibid.

9. Ibid.

10. See note 1.

11. Consumer Product Safety Commission, *Mexican Wrestling Action Figures Recalled by Lee Carter Co. Due to Violation of Lead Paint Standard* (press release), 24 January 2012.

12. Consumer Product Safety Commission, *Total Lead Content*, accessed at www.cpsc.gov/en/Business--Manufacturing/Business-Education, 21 October 2014.

13. Consumer Product Safety Commission, *FAQs: Total Lead Content in Children's Products*, accessed at www.cpsc.gov/en/Business--Manufacturing/Business-Education, 21 October 2014.

14. See notes 12 and 13.

15. American Academy of Pediatrics, *Testimony of Dana Best, MD, MPH, FAAP, on Behalf of the American Academy of Pediatrics: Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection: Protecting Children from Lead Paint Imports*, 20 September 2007.

16. Centers for Disease Control and Prevention, Agency for Toxic Substances & Disease Registry, *Toxic Substances Portal – Chromium*, updated October 2012, accessed at www.atsdr.cdc.gov, 21 October 2014.

17. "Ecology Center Report on Toxic Chemicals in Jewelry Covered by Media Outlets across the Country," *Ecolink*, March 2012.

18. Consumer Product Safety Commission, *Status Report: Review of Metals in the Toy Safety Standard, ASTM F963*, 14 March 2012; ASTM International, *F963-11, Standard Consumer Safety Specification for Toy Safety* (West Conshohocken, PA: ASTM International, 2012).

19. Ibid.
20. American Chemistry Council, *Phthalates*, accessed at www.phthalates.americanchemistry.com, 21 October 2014.
21. Male development: National Institutes of Health, National Library of Medicine, Tox Town, *Phthalates*, accessed at toxtown.nlm.nih.gov/text_version/chemicals.php?id=24, 28 October 2014; Early puberty: I. Colon, et al., "Identification of Phthalate Esters in the Serum of Young Puerto Rican Girls with Premature Breast Development," *Environmental Health Perspectives* 108: 895-900, 2000
22. National Institutes of Health, National Library of Medicine, Tox Town, *Phthalates*, accessed at toxtown.nlm.nih.gov/text_version/chemicals.php?id=24, 28 October 2014.
23. Safer Chemicals, Healthy Families, *Target*, accessed at www.saferchemicals.org/retailers/target, 21 October 2014.
24. The Ecology Center, *Walgreens, Will You Mind The Store?*, accessed at www.healthystuff.org, 21 October 2014.
25. Consumer Product Safety Commissions, *Phthalates*, accessed at www.cpsc.gov/en/Business--Manufacturing/Business-Education/Business-Guidance/Phthalates-Information, 21 October 2014; Note: for the purposes of these phthalate regulations, a "children's toy" is defined as a "consumer product designed or intended by the manufacturer for a child who is 12 years old or younger." "Child care articles" are defined as "consumer products that are designed or intended by the manufacturer for a child who is three years old or younger, to facilitate sleeping or feeding, or to help a child who is sucking or teething."
26. Consumer Product Safety Commission, *FAQs: Bans on Phthalates in Children's Toys*, accessed at www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act/Phthalates/FAQs-Bans-on-Phthalates-in-Childrens-Toys/, 23 October 2014.
27. Chris Gennings, et al., *Report to the U.S. Consumer Product Safety Commission by the Chronic Hazard Advisory Panel on Phthalates and Phthalate Alternatives*, July 2014.
28. Consumer Product Safety Commission, *Toy Injury Statistics*, accessed at www.cpsc.gov/en/Research--Statistics, 3 October 2014. Note that the Consumer Product Safety Commission continues to receive reports of fatalities and injuries after they publish their annual report for a given year.
29. Ibid.
30. Consumer Product Safety Commission, Office of Compliance, *Small Parts Regulations: Toys and Products Intended for Use by Children Under 3 Years Old: 16 C.F.R Part 1501 and 1500.50-53*, January 2001.
31. 16 CFR 1500.19(b)(1).
32. Marbles: 16 CFR 1500.19(a)(4)(i); vending machines and toy bins: 16 CFR 1500.19(a)(8).
33. 16 CFR 1501.2(b).
34. 16 CFR 1501.2(a).
35. 16 CFR 1501.3.
36. 16 CFR 1501.4(b)(2).
37. Edushape, *Textured Colored Blocks*, accessed at www.amazon.com/Edushape-Textured-Brightly-Colored-Building/dp/B00261BBUY/ref=sr_1_1?s=toys-and-games&ie=UTF8&qid=1416465255&sr=1-1&keyword=s=edushape+foam+blocks, 6 November 2014.
38. See three-star review by Pen Name, *Foam Blocks*, 12 December 2012 ("The small pieces are so small my two year old grandson can put them in his mouth"), and four-star review by JenLRhodes09, *I Don't Know What the Bad Reviews Are Talking About*, 9 December 2011 ("I did throw away the little half circles (choking hazard)"). Accessed at www.amazon.com/Disney-Junior-McStuffins-Figurine-Playset/dp/B00BQD7LU2/ref=sr_1_1?s=toys-and-games&ie=UTF8&qid=1416342254&sr=1-1&keywords=doc+mcstuffins+figures, 17 November 2014.

39. Many of the one star reviews of this product on Amazon complain of it falling apart. A sampling of comments from Amazon: "I can't believe that Doc's head snapped off after only two days," "The heads popped off on the first day," "These figurines are top heavy (heads), and just popped off in my granddaughter's hand," "Doc's neck is so little after 2 hours of play, her neck snapped off," "One of the figures broke off of the puzzle piece right after we opened it. ... After a week Doc lost her head," "Two of the heads have broken off in less than a month already." Accessed at www.amazon.com/Disney-Junior-McStuffins-Figurine-Playset/product-reviews/B00BQD7LU2/ref=cm_cr_dp_qt_hist_one?ie=UTF8&filterBy=addOn eStar&showViewpoints=0, 17 November 2014.

40. Consumer Product Safety Commission, *Be Amazing! Toys Recalls Monster Science and Super Star Science Colossal Water Balls Due to Serious Ingestion Hazard* (press release), 31 July 2013.

41. 16 CFR 1500.18(a)(17).

42. See note 28.

43. 16 CFR 1500.18(a)(17).

44. 16 CFR 1500.19(b)(3)(i).

45. 16 CFR 1500.19(b)(3)(i).

46. 79.7 percent of 17,230 cases of contact with pods was via ingestion. Amanda Valdez, et al., "Pediatric Exposure to Laundry Detergent Pods," *Pediatrics*, DOI: 10.1542/peds.2014-0057, 10 November 2014.

47. Consumer Product Safety Commission, *CPSC Safety Alert: CPSC Warns Consumers of Suffocation Danger Associated with Children's Balloons*, 2012.

48. See note 28.

49. 16 CFR 1500.19(b)(2).

50. Government of Canada, *Magnets*, accessed at www.healthycanadians.gc.ca/drugs-products-medicaments-produits/consumer-consommation/children-enfant/magnets-aimants-eng.php, 21 October 2014.

51. Consumer Product Safety Commission, *Magnets Information Center*, accessed at www.cpsc.gov/en/Safety-Education/Safety-Education-Centers, 21 October 2014.

52. Teri Sforza, "Watchdog: Magnets in Toys Can Be Deadly," *Orange County Register*, 4 October 2014; Consumer Federation of America, *CPSC Issues Final Rule to Protect Children from Hazardous High Powered Magnets* (press release), 24 September 2014; Elizabeth Cohen, "Powerful Magnets in Toys Raise Risks from Swallowing," *CNN*, 5 June 2012; Consumer Product Safety Commission, *CPSC Approves Strong Federal Safety Standards for High-Powered Magnet Sets to Protect Children and Teenagers* (press release), 25 September 2014.

53. Consumer Product Safety Commission, *CPSC Approves Strong Federal Safety Standards for High-Powered Magnet Sets to Protect Children and Teenagers* (press release), 25 September 2014.

54. Jayne O'Donnell, "CPSC May Ban Tiny Magnets that Killed a Child," *USA Today*, 4 September 2014.

55. Consumer Federation of America, *Pediatricians and Consumer Advocates Ask CPSC for Swift Action on High-Powered Magnet Safety Standards* (press release), 22 October 2013.

56. See note 53.

57. Matt Strickland, Daniel Rosenfield and Annie Fecteau, "Magnetic Foreign Body Injuries: A Large Pediatric Hospital Experience," *The Journal of Pediatrics* 165 (2): 332-335, May 2014.

58. Federal Register, *Final Rule: Safety Standard for Magnet Sets: A Rule by the Consumer Product Safety Commission*, 3 October 2014.

59. ASTM International, *F963-11, Standard Consumer Safety Specification for Toy Safety* (West Conshohocken, PA: ASTM International, 2012).

60. Jayne O'Donnell, "CPSC Buckyballs Settlement Gives Buyers Refunds," *USA Today*, 17 July 2014; and Consumer Product Safety Commission, *Recall Lawsuits: Adjudicative Proceedings*, accessed at www.cpsc.gov/en/Recalls/Recall-Lawsuits/Adjudicative-Proceedings, 15 November 2014.

61. Consumer Product Safety Commission, *Buckyballs and Buckycubes High-Powered Magnet Sets Recalled Due to Ingestion Hazard; Craig Zucker to Fund a Recall Trust, Settles with CPSC* (press release), 12 May 2014.

62. ZenMagnets, *We Will Fight until the End* (press release), 4 August 2014.

63. DeWane Ray, Assistant Executive Director, and Jonathan Midgett, Project Manager, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, *Memo to the Commission, Re: Staff Responses to Questions about the Notice of Proposed Rulemaking for Hazardous Magnet Sets*, 20 August 2012.

64. Consumer Product Safety Commission, *Beware of Tiny Button Batteries*, accessed at www.cpsc.gov/en/Newsroom, 21 October 2014; Consumer Product Safety Commission, *CPSC Joins International Effort to Prevent Button Battery-Related Injuries and Deaths* (press release), 17 June 2014.

65. Safe Kids Worldwide, *Button Battery Injury Prevention*, accessed at www.safekids.org/button-battery-injury-prevention, 21 October 2014; Consumer Product Safety Commission, *Beware of Tiny Button Batteries*, accessed at www.cpsc.gov/en/Newsroom, 21 October 2014.

66. Bonnie Rochman, "Remote Controls Aren't Toys: Lithium Batteries Prove Deadly to Kids," *Time*, 14 September 2011.

67. BBC News, "'Button Battery' Warning Over Child Deaths in Manchester," *BBC News*, 14 October 2014.

68. Centers for Disease Control and Prevention, "Injuries from Batteries among Children Aged <13 Years – United States, 1995-2010," *Morbidity and Mortality Weekly Report* 61 (34): 661-666, 31 August 2012.

69. Ibid.

70. See note 59.

71. Australian Competition & Consumer Commission, Product Safety Recalls Australia, *SJS Homeware—Hua Cai "Cherubic Cetacean" Musical Whale Toy*, 5 June 2013.

72. National Institute on Deafness and Other Communication Disorders, National Institutes of Health, U.S. Department of Health and Human Services, *NIDCD Fact Sheet: Noise Induced Hearing Loss*, December 2008.

73. A.S. Niskar, et al., "Prevalence of Hearing Loss among Children 6 to 19 Years of Age: The Third National Health and Nutrition Examination Survey," *Journal of the American Medical Association* 279: 1071-1075, 1998.

74. American Speech-Language-Hearing Association, *The Prevalence and Incidence of Hearing Loss in Children*, accessed at www.asha.org/public/hearing, 21 October 2014.

75. Sight and Hearing Association, *Sound Off: Noisy Toys Pose Hearing Threat*, 2011.

76. See note 59, 41. Sound testing is conducted at a distance of 50 cm, converted to an approximate figure in inches in the text for ease of understanding. Toy standards are consistent with the recommendations of the Occupational Safety and Health Administration (OSHA). Impulsive sounds are defined as sounds of "typically less than one second in duration." Measurements are conducted at a distance of 50 cm because it is considered optimal for sound measurements. Noise level

standards have been adjusted to account for the distance at which sound is measured versus products are used. The standards are equivalent to standards derived through European research at distances of 25 cm – what the European study concluded was an average distance of use for toys – and 2.5 cm for close-to-the-ear simulation. For more information or details on the explanatory context provided in this note, see ASTM International, *F963-11, Standard Consumer Safety Specification for Toy Safety* (West Conshohocken, PA: ASTM International, 2012), 59.

77. Sight & Hearing Association, *Sight & Hearing Association Releases Annual Noisy Toys List* (press release), 17 December 2013.

78. Consumer Product Safety Commission, *Detailed Laboratory Information: STAT Analysis Corp.*, accessed at www.cpsc.gov/cgi-bin/LabSearch/ViewLab.aspx?LabID=1484, 31 October 2014.

79. See note 58.

80. See note 28. The data in the table reflect the most up-to-date information available.