



**W. A. T. C. H.**  
**world against toys causing harm, inc.**

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Date:

Tuesday, November 18, 2008  
10:00 a.m.

Time:

Location:

Franciscan Hospital For Children  
Chamberlain Conference Room  
30 Warren Street  
Boston, MA

Joan E. Siff, Esquire  
Director

**RELEASE DATE: NOT BEFORE 10:00 A.M., NOVEMBER 18, 2008**

**WORLD AGAINST TOYS CAUSING HARM, INC.'S "10 WORST TOYS" LIST  
INCLUDES NATIONALLY KNOWN NAMES SUCH AS "SPIDERMAN,"  
"DIGGER THE DOG," AND "WINNIE THE POOH," BEING SOLD BY MAJOR  
MANUFACTURERS AND RETAILERS.**

## **W.A.T.C.H. INC.'S 36th ANNUAL "10 WORST TOYS" CONFERENCE**

Boston consumer advocates and trial attorneys, Edward M. Swartz, James A. Swartz<sup>1</sup>, and Joan E. Siff, on behalf of W.A.T.C.H., Inc., will present W.A.T.C.H.'s annual nominees for its "10 Worst Toys" list at a conference in Boston at The Franciscan Hospital for Children. Dangerous toys continue to abound in toy boxes and on store shelves despite recent media attention and legislative action. An astounding number of defective toys are still reaching the marketplace as evidenced by the slew of recalls in the last year. In the nearly twelve month period since W.A.T.C.H.'s last "10 Worst Toys" conference, there have been at least sixty-six (66) toy recalls representing over seven million eight hundred ninety thousand (7,890,000) units of dangerous toys polluting the marketplace. These staggering numbers are clearly suggestive of a broken system that needs fixing before more children are harmed. One focus of the 2008 conference is the need for improved toy labeling and warnings to provide the consumer with point-of-purchase information about hazards.

### **TRUTH IN PACKAGING**

While truth in packaging should be a priority for the toy industry, toys being marketed reveal a serious lapse in warnings and labels on children's products. Whether purchasing toys in stores or on the Internet, obtaining accurate, consistent and complete product information prior to purchase remains an issue for consumers. Toy manufacturers too often provide inaccurate and incomplete language when it comes to warning consumers about hazards. Parents should not need to decode obscure and obtuse messages on toy packages. Rather, toy companies, with years of understanding the risks associated with toys, should alert consumers with straightforward, understandable, distinct, and visible labeling on toy packaging. This year's list includes examples of packaging and labeling which fail to give the consumer fair warning of dangers that are known, or should be known, by the manufacturer.

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<sup>1</sup> Edward M. Swartz and James A. Swartz are consumer advocates and nationally known trial attorneys. Edward M. Swartz is the author of *Toys That Kill* (Vintage-Random House), *Toys That Don't Care* (Gambit, dist. by Houghton Mifflin); *Slaughter by Product* (Kluwer Law Book Publishers) and *Hazardous Products Litigation* (2<sup>nd</sup> ed. Lawyers Cooperative Pub.), as well as many other books and scores of toy articles in both professional and lay journals. In the past, Mr. Edward Swartz has been a lecturer on products liability and related issues at the Boston University School of Law.

James Swartz has authored book chapters relating to child and product safety, including "Hazardous Playthings Causing Injury to Children", Children and Injuries (Lawyers & Judges Pub. Co., Inc.); and "The Common Law in the New Millennium-Protecting Our Children", Civil Trial Practice-Winning Techniques of Successful Trial Attorneys, (Lawyers & Judges Pub. Co., Inc.), as well as numerous articles.

**ALARMING NUMBER OF TOY RECALLS REVEALS  
AN INDUSTRY IN NEED OF OVERSIGHT**

The alarming number of recent toy recalls is evidence of an industry that has put profits before child safety. Many of the recalls issued were the result of lead and small parts violations, hazards that are known to the manufacturers. Toxic toys with excessive lead content accounted for at least twenty-six (26) toy recalls, representing over six hundred seventy thousand (670,000) units, since W.A.T.C.H.'s 2007 "10 Worst Toys" conference. Lead, which accumulates in a child's body over time, can cause permanent, irreversible injuries such as growth and behavioral problems, learning disabilities, and death.

Further evidence of the toy industry's ineffective safety practices includes the numerous toy recalls for small parts hazards in the last 12 months. Choking alone is the cause of 44 percent of toy-related deaths. Nevertheless, since W.A.T.C.H.'s last "10 Worst Toys" conference, the CPSC has recalled at least twenty-five (25) toys posing a choking, ingestion and/or aspiration risk, representing over five million three hundred fifty thousand (5,350,000) defective units marketed and sold.

**FIRST LINE OF DEFENSE - SAFE DESIGN AND MANUFACTURE**

While proper labeling, recalls and regulations are important for toy safety, toy manufacturers have a responsibility to ensure only safe products reach the marketplace. The millions of dangerous toys flooding store shelves before their hazards are identified highlight the inadequacy of current safety protocols. There is simply no excuse for toy companies making dangerous toys available to consumers. The burden must be on manufacturers and retailers, not consumers, to identify the known hazards before their products enter the channels of commerce.

The recent Consumer Product Safety Improvement Act of 2008 ("the Act") will require the toy industry to be more accountable for the safety of its products. However, policing such a large industry remains a significant challenge. Thus, the first line of defense in preventing injuries to children has to be the responsibility of the toy industry for the safe design and manufacturer of children's products. Injuries will be prevented only when toy makers put the safety of children before profits.

**BUYERS BEWARE—HAZARDOUS TOYS ABOUND ON STORE SHELVES,  
SERIOUS INJURIES CAN RESULT**

While there has been recent increased focus on toy safety by the media and the government, dangerous toys are not a new problem. For over three decades, W.A.T.C.H. has identified toys defectively designed or manufactured that could lead to serious injuries or death. Despite these efforts, there remain an alarming number of dangerous toys on retail shelves. Many toys can still be found with small parts that can be mouthed and occlude a child's airway. According to the CPSC, in 2006, nine (9) children died when they choked on or aspirated a toy. In addition to the risk of lead exposure and choking, there are other known hazards that reappear year after year, including

strangulation, impact injuries, burns, impalement, puncture wounds, and lacerations. The CPSC reported that in 2006 alone, there were at least twenty (22) toy-related deaths to children under 15 years old, and an estimated two hundred twenty thousand five hundred (220,500) toy-related injuries treated in U.S. hospital emergency rooms. Toys and games represent a thirty-billion-dollar-a-year industry. In the United States, over three billion toys are sold each year. Consumers have a right to expect that toys they select for their children be designed with safety as a priority. The toy companies, retailers and government must listen and act when dangerous toys are brought to their attention to prevent a recurrence of the same hazards—and the same injuries—year after year.

The “10 Worst Toys” list is one of the ways W.A.T.C.H. continues the fight to protect our children from unsafe toys.<sup>2</sup> Protecting our children will, however, take more than a list of illustrative harmful toys. Safety for our children in the year 2008 and beyond will only occur when preventing injuries caused by unsafe toys becomes a number one priority for the toy industry and the government regulatory agencies.

**NOMINEES FOR THE “10 WORST TOYS” LIST**  
**ILLUSTRATE HAZARDS**

James Swartz then presented W.A.T.C.H.’s nominees for this year’s “10 Worst Toys” list. The list exposes toy hazards seen year after year, despite continued efforts to educate and inform the industry. Swartz stressed these particular toys are illustrative of some hazards in toys being sold to consumers, and should not be considered as the only hazardous toys on the market. Nominees for the year 2008 are as follows:

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<sup>2</sup> Edward M. Swartz, the founder of W.A.T.C.H., began the fight against toys causing harm to our children over 30 years ago. At that time, the National Commission on Product Safety asked him, as a product liability expert, to report on whether there were toys in the marketplace that presented a safety risk to children. Because of Mr. Swartz’s testimony, many new toy safety standards were recommended by the Commission. However, the toy industry’s response that there was “no problem” with toy safety prompted Mr. Swartz, after further research, to publish the book *Toys That Don’t Care*. The “10 Worst Toys” list became a means to annually update the public on toy safety. Mr. Swartz and W.A.T.C.H. continue these efforts to keep the public informed with the yearly nominees for the “10 Worst Toys” list.

## SPORTSMAN SHOTGUN



<b>Price:</b>	<b>\$29.99</b>
<b>Manufacturer or Distributor:</b>	<b>Parris Manufacturing Company</b>
<b>Purchased:</b>	<b>Netlink Enterprises, Inc. (online)</b>
<b>Age Recommendation:</b>	<b>“Not recommended for children under 3 years of age” and “AGE 14+”</b>
<b>Warnings:</b>	<b>“Never aim or shoot at any animal”; “Do not aim at eyes or face”; and other warnings</b>

***HAZARD: POTENTIAL FOR EYE INJURIES!***

***W.A.T.C.H. OUT!*** This realistic looking weapon is sold online as a “toy” for use by children. Once the rubber bullets are loaded into the shotgun’s magazine, and the ammunition is pushed into the gun’s chamber, “[y]ou are now ready to shoot”. This weapon is not a toy and should not be sold for use by children.

## GO GO MINIS PULLBACK VEHICLE



**Price:** \$4.99  
**Manufacturer or Distributor:** Kid Galaxy, Inc.  
**Purchased:** Calendar Club Go! Toys & Games  
**Age Recommendation:** "Ages 3+" (on display box only)  
**Warnings:** "WARNING: CHOKING HAZARD-Small Parts. Not For Children under 3yrs." on display package only

***HAZARD: POTENTIAL FOR CHOKING INJURIES!***

***W.A.T.C.H. OUT!*** These miniature fire trucks, garbage trucks and school buses are sold individually at the checkout counter in a display box. The rear tires of these vehicles are removeable, presenting the potential for a serious choking injury for oral age children. Incredibly, the "choking hazard" warning appears only on the display box, and not on the individual toys.

## INFLATABLE GIGA BALL



<b>Price:</b>	<b>\$49.99</b>
<b>Manufacturer or Distributor:</b>	<b>Kenscott, Ltd.</b>
<b>Purchased:</b>	<b>Target</b>
<b>Age Recommendation:</b>	<b>“AGES 4+”</b>
<b>Warnings:</b>	<b>“WARNING: DO NOT USE ON HILLS AND IN WATER”(on box), and other warnings on toy and package insert</b>

***HAZARD: POTENTIAL FOR IMPACT AND OTHER SERIOUS INJURIES!***

***W.A.T.C.H. OUT!*** Children as young as 4 years old are encouraged to “crawl inside” this colorful inflatable ball, in order to “spin, tumble, [and] bounce”. The box warns against using the ball on hills or near water, and notes that parental supervision is “required”. However, the toy itself indicates that adult supervision is only “recommended”, and the package insert further warns the ball is “[n]ot for pool side use or as a flotation device”.

**ANIMAL ALLEY PURSE PET**



**Price:** \$4.98  
**Manufacturer or Distributor:** Geoffrey Inc. /Toys R Us  
**Purchased:** Toys R Us  
**Age Recommendation:** “0+”  
**Warnings:** “CAUTION: Remove all tags, twist ties and plastic loops before giving to a child” (on attached tag)

***HAZARD: POTENTIAL FOR INGESTION/ASPIRATION INJURIES!***

***W.A.T.C.H. OUT!*** This soft, colorful pony is sold for infants. The toy has long, fiber-like hair that is not adequately rooted and is easily removable, presenting the potential for ingestion or aspiration injuries. This hazard is not referenced anywhere on the product or product tags.

## SPIDER-MAN ADJUSTABLE TOY SKATES



**Price:** \$19.99  
**Manufacturer or Distributor:** Street Flyers, LLC  
**Purchased:** Target  
**Age Recommendation:** “Ages 3 To 6”  
**Warnings:** “HELMETS, WRIST GUARDS, KNEE PADS AND ELBOW PADS SHOULD BE WORN WHILE SKATING”, and other warnings

***HAZARD: POTENTIAL FOR WRIST AND OTHER IMPACT INJURIES!***

***W.A.T.C.H. OUT!*** The packaging for these adjustable toy skates has numerous warnings, including the requirement that children wear helmets, wrist guards, knee pads and elbow pads while skating. Inexplicably, the safety gear sold with the toy includes only knee and elbow pads.

**PUCCI PUPPIES - MY OWN PUPPY HOUSE GOLDEN RETRIEVER**



<b>Price:</b>	<b>\$14.99</b>
<b>Manufacturer or Distributor:</b>	<b>Battat, Incorporated</b>
<b>Purchased:</b>	<b>Target</b>
<b>Age Recommendation:</b>	<b>“2 years +”</b>
<b>Warnings:</b>	<b>None</b>

***HAZARD: POTENTIAL FOR CHOKING INJURIES!***

***W.A.T.C.H. OUT!*** Oral age children as young as 2 years old are encouraged to play with this plush, golden retriever puppy, sold with a dog house and accessories including a bone, cookie, chew toy and food bowl. These accessories are small parts that could easily be ingested by a child, presenting the potential for serious choking injuries.

## WALK'N SOUNDS DIGGER THE DOG



<b>Price:</b>	<b>\$9.99</b>
<b>Manufacturer or Distributor:</b>	<b>Hasbro/ Playskool</b>
<b>Purchased:</b>	<b>Kmart</b>
<b>Age Recommendation:</b>	<b>“Over 12 MONTHS”</b>
<b>Warnings:</b>	<b>Cautions regarding batteries (on packaging)</b>

***HAZARD: POTENTIAL FOR STRANGULATION/ ENTANGLEMENT INJURIES!***

***W.A.T.C.H. OUT!*** Despite the industry’s voluntary standard requiring strings on playpens or crib toys to be less than 12” in length, some manufacturers continue to market toys such as this “Digger The Dog” pull toy, with a cord measuring approximately 26 inches. Sold to be “your child’s best friend!”, it is intended for “infants” and thus, is a prime candidate for cribs and playpens.

## MEADOW MYSTERY PLAY-A-SOUND BOOK WITH A CUDDLY POOH



<b>Price:</b>	<b>\$9.97</b>
<b>Manufacturer or Distributor:</b>	<b>Disney Enterprises, Inc.</b>
<b>Purchased:</b>	<b>Walmart</b>
<b>Age Recommendation:</b>	<b>“18 months+” (box) and “RECOMMENDED FOR ALL AGE GROUPS” (toy)</b>
<b>Warnings:</b>	<b>“ CAUTION: Before giving to a child, please cut, remove, and discard all plastic attachments” (on package)</b>

***HAZARD: POTENTIAL FOR CHOKING INJURIES!***

***W.A.T.C.H. OUT!*** This soft Winnie The Pooh doll is packaged and sold with a “Meadow Mystery” book. Pooh’s cloth mask, once removed, poses the potential for choking injuries. Despite the wording on the packaging and the book that the product has been safety tested for children “18 months+”, the tag attached to the plush toy indicates that it is “[r]ecommended for all age groups”.

## **EXTREME SPIRAL COPTERS**



**Price:** \$3.00  
**Manufacturer or Distributor:** Toysmith Group  
**Purchased:** Belmont Toys  
**Age Recommendation:** “Ages 5 and Up”  
**Warnings:** **CAUTION: DO NOT SHOOT AT PEOPLE OR ANIMALS”, and other cautions and warnings**

***HAZARD: POTENTIAL FOR EYE INJURIES!***

***W.A.T.C.H. OUT!*** These copters are described by the manufacturer as having “awesome spiral action!” Young children are encouraged to launch the projectile into the air with the provided elastic band, in a fashion similar to a slingshot. Cautions include: “DO NOT SUBSTITUTE THE SUPPLIED COPTER WITH ANY OTHER PROJECTILE”, and “DO NOT AIM AT EYES OR FACE”.

## NINJA BATTLE GEAR - MICHELANGELO



<b>Price:</b>	<b>\$9.99</b>
<b>Manufacturer or Distributor:</b>	<b>Playmates Toys, Inc.</b>
<b>Purchased:</b>	<b>Target</b>
<b>Age Recommendation:</b>	<b>“Ages 4 and up”</b>
<b>Warnings:</b>	<b>“WARNING: Choking Hazard-Contains small part, not suitable for children under 3 years”</b>

***HAZARD: POTENTIAL FOR BLUNT IMPACT INJURIES!***

***W.A.T.C.H. OUT!*** 4-year-old children are encouraged to play the part of a Ninja, while wielding various weapons. One such weapon is Michelangelo's “Nunchaku”, which the manufacturer describes as a “Kick-butt signature weapon!” consisting of two long plastic handles connected by a plastic chain. Remarkably, there are no accompanying cautions or warnings relating to potential impact injuries.