



TOY SAFETY:

SEPARATING
FACT
FROM
HYPE

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All children's toys sold in the United States, regardless of where in the world they are manufactured, must comply with a network of strict U.S. safety and environmental requirements that protect children. Under current federal law, toys are subject to more than 100 tests and requirements¹ that assure safe play. [See Index for more information on federal requirements.] These laws and standards are shaped by research on child development, dynamic safety testing and risk analysis. They are among the most stringent toy standards in the world.

The bottom line: toys are safe.

Yet every year, certain groups such as the U.S. Public Interest Research Group (PIRG) and World Against Toys Causing Harm (WATCH) take advantage of the high visibility and media coverage of toys during the holiday season to make unfounded allegations regarding the safety of children's toys. Perhaps the most widely circulated of these spurious reports is PIRG's annual "Trouble in Toyland" report, which each year lists between 15 and 20 products alleged by the group to pose danger.

Year after year, PIRG fails to present reliable data to support the allegations that the toys identified in its report present real danger to children at play. In fact, of the 88 products identified as supposedly hazardous in "Trouble in Toyland" reports in the past six years, not one toy was recalled by the Consumer Product Safety Commission (CPSC), the federal agency charged with oversight of toy safety, as a result of PIRG's report.

PIRG's MODUS OPERANDI

Each Thanksgiving, as families are busy preparing for the upcoming holiday season, U.S. PIRG issues its "Trouble in Toyland" report at a press conference held in Washington, DC. The problematic report is then picked up by individual state coalitions and re-released, spreading the same misinformation across the country. Instead of sharing with the public this supposedly critical information about product safety as it becomes available, PIRG withholds its report until it can garner the most media headlines. In fact, in years past, PIRG has withheld its findings even from the CPSC, delaying the agency's ability to investigate PIRG's claims.

FACT VERSUS FICTION

The Toy Industry Association (TIA), the not-for-profit trade association representing North American businesses involved in creating and delivering children's toys, is dedicated to ensuring toy safety *all year long*. As part of its ongoing efforts to provide parents and caregivers with accurate information about safe play, TIA recently conducted an analysis of all U.S. PIRG "Trouble in Toyland" reports released from 2008 through 2013 in order to examine PIRG's allegations, the methods by which PIRG tested toys and whether PIRG's report resulted in any action by regulatory authorities.

The results show that "Trouble in Toyland" is consistently filled with misleading data and false allegations of safety hazards that recklessly sow uncertainty and confusion among consumers and attack the reputation of toy companies with safe and compliant products in the marketplace.

¹ Toys are regulated for safety under the Federal Hazardous Substances Act, the Consumer Product Safety Act, the Consumer Product Safety Improvement Act, and the ASTM F963 Standard on Toy Safety.

Here are the facts:

PIRG Reports Did Not Prompt Any Product Recalls

The CPSC has confirmed that every year, the agency gathers and tests samples of the products identified by PIRG to ascertain whether further action is needed. Our analysis shows that none of the toys identified as supposedly hazardous in PIRG’s “Trouble in Toyland” reports from 2008 through 2013 were subsequently recalled by the CPSC.

Toy recalls are a rare but important part of the toy industry’s process to assure safe and fun play, and demonstrate that the safety system is effective. They are the final “safety net” used in a robust compliance system to remove faulty product from the distribution chain and, when necessary, out of consumers’ homes. When a recall is required, the CPSC works with the manufacturer to identify the product(s) to be recalled, notify the public about the recalled product(s) and issue the appropriate remedy.

By obligating CPSC each year to test toys that the agency repeatedly finds to be safe, PIRG’s “Trouble in Toyland” report wastes taxpayer dollars and government resources meant to protect consumers from real hazards.

PIRG Consistently Failed to Test Toys Using CPSC-Accredited Labs and Testing Methods

By law, every toy that is sold in the U.S. must be tested for safety and certified for compliance with federal safety standards before they are sold at retail. And by law, the certification must be based on a report issued by a third-party testing lab that is accredited by the CPSC. This ensures that all products are assessed using the same consistent, federally approved methods and are certified for compliance with all required standards and regulations.

A review of the past six years, however, shows that PIRG continually failed to test toys cited in the “Trouble in Toyland” reports with a CPSC-accredited lab. Every single one of the alleged safety issues named in these reports was based on testing conducted by a non-CPSC accredited laboratory or on testing methods that are not approved by the CPSC. This failure to adhere to federally mandated testing procedures underscores the inaccuracy of PIRG’s allegations, which time and again amount to nothing more than holiday hype.

Over the course of its analysis, TIA reached out to every Association member company whose products were included in “Trouble in Toyland” reports over the past six years to gather additional product information. All contacted companies were able to provide documentation that their



product was certified by a CPSC-accredited lab as fully compliant with all safety requirements.

In numerous instances, PIRG itself acknowledged that the product in question was fully compliant with all federal safety requirements, yet still included the item in its report. The majority of these toys were alleged to pose choking or ingestion hazards. The group has historically disregarded the approved testing methods as outlined in the toy safety standard for small parts², which for more than 35 years has been hailed as highly effective at protecting children. Developed with input from pediatricians and other leading child health and behavior experts, the standard is based specifically on the anatomy of a young child's throat. On multiple occasions this internationally recognized standard has been reviewed, retested and reconfirmed as effective at protecting children younger than three years of age.³

APPROVED: Small Parts Cylinder	UNAPPROVED: Toilet Paper Tube
<p>The CPSC-approved method for determining whether an object meets the size requirements outlined in the toy safety standard for small parts is the Small Parts Cylinder. It's an effective, easy-to-use tool to help prevent children from choking on any number of products that can be found in the home.</p>  <p>Its cylinder mimics the size and shape of a child's throat— 2.25 inches long by 1.25 inches wide. To test whether an object might pose a choking hazard, place the object without compressing it inside the cylinder. If it fits entirely, it fails the test, and the object should not be given to a child younger than 3 years old.</p>	<p>Instead of using the official Small Parts Cylinder, U.S. PIRG relied on a common toilet paper tube to “test” whether a toy poses a choking hazard.</p>  <p>This method is unapproved by the CPSC and, given the difference in dimension between the Small Parts Cylinder and a toilet paper tube, is a highly inaccurate way to determine whether a product meets the strict requirements of the small parts safety standard.</p>

“Trouble in Toyland” Reports Repeatedly Included Products that Are Not Toys

As defined by the ASTM F963 Standard on Toy Safety, a toy is: “Any object designed, manufactured, or marketed as a plaything for children under 14 years of age.” The official definition outlined in the standard specifically excludes a variety of products, including bicycles, tricycles, kites, playground equipment, hobby and craft items, crayons and sidewalk chalk, jewelry and non-powered scooters, among other consumer goods.

TIA’s analysis shows that 18 of the 88 products (20%) listed in the last six “Trouble in Toyland” reports are not in fact toys. The distinction is not a matter of semantics. As these products are not legally classified as toys, they are not governed by the same rigorous safety standards that children’s toys are required to meet. To include jewelry, purses, make-up kits and other non-toy items in a “Trouble in Toyland” report misleads the public and casts an unwarranted shadow on the toy industry and the fun, safe products it creates.

² See: ASTM F963 and 16 CFR 1501 et. seq.

³ Between 1988 and 1990 and again in 1992, the CPSC reviewed the efficacy of the Small Parts Standard and test method and determined it to be highly effective in addressing small parts hazards to children.

THE BOTTOM LINE

In light of all the above, it is clear that while PIRG purports to inform consumers about product safety, it releases a consistently erroneous report that year after year misleads the public. Its unsubstantiated allegations repeatedly fail to prompt any regulatory action, resulting in nothing more than consumer confusion. This is an organization that purports to act in the public interest, but the annual “Trouble in Toyland” report ill-serves this public.

RAISING AWARENESS YEAR ROUND

As the North American toy industry trade association, TIA is comprised of more than 750 member companies — including manufacturers, retailers, licensors, inventors and manufacturer sales representatives — who collectively account for approximately 90% of U.S. domestic toy sales.

TIA and its members have a long history of leadership in toy safety: the Association helped develop the first comprehensive toy safety standard more than 35 years ago, and continues to work with the CPSC, Customs and Border Protection (CBP) and other government agencies, as well as consumers, regulators, health officials and industry in the U.S. and internationally, on ongoing programs to ensure the safety of children at play.

Toy safety is the number one priority year-round for the toy industry and TIA. Together with its members, the Association continuously works to educate toy stakeholders — especially manufacturers and retailers — about the strict existing U.S. toy safety laws and the mandatory steps necessary to demonstrate compliance with them.

It’s equally important that consumers are given accurate information about toy safety. To help inform and educate parents and caregivers on what they can do to ensure safe and fun play, TIA provides a variety of free online resources on its website for families, www.ToyInfo.org, including toy shopping tips, recall information, recommendations for safe and supervised play, and more.



SMART TIPS FOR TOY CONSUMERS

TIA and its members want families to make informed choices about the toys, games and other products they bring into the home. When selecting toys, shoppers should keep the following safety tips in mind:

At the store:

- Check and follow age guidance and other safety information on packaging (age grading is based mostly on safety and not on how smart or dexterous a child may be).
- Avoid toys with small parts for children under three (3) years of age and those who mouth objects. This is among the most important things consumers can do to ensure safe play.
- Inspect toys at the store, looking for sturdy parts and tightly secured joints.
- Make sure that battery compartment-locking mechanisms are in place and that batteries are securely enclosed.
- For children under 18 months of age, avoid toys with strings, straps or cords longer than twelve (12) inches.

- Check to see that stuffed toys have age-appropriate features such as embroidered or secured eyes and noses for younger children, and seams that are reinforced to withstand an older child's play.
- Avoid toys with sharp points or rough edges, especially for younger children.
- Ideally, you should always shop at a reputable retailer you know and trust – but if you're purchasing second-hand toys, inspect their condition and make sure you have the original packaging and instructions.
- While toys must meet sound level standards that assure children's hearing won't be damaged, listen to toys with noises before purchasing them to make sure they are appropriate for your child, and look for toys with volume control so you can adjust the sound to your preference.

Once the packages are opened:

- Read instructions carefully; save directions, warranties and assembly hardware.
- Demonstrate the right way to use the toy or game and explain to your child the importance of proper use.
- Dispose of all unnecessary toy packaging and gift wrap as soon as possible (piles of discarded gift wrap can conceal sharp objects and/or the edges of hard plastic packaging that can cut small fingers).
- Store toys safely in an easily accessible storage bin; lidded toy storage should be non-locking and have special safety features such as air holes, spring-loaded hinges and clearances at the hinges to make sure little fingers won't get caught.
- Batteries can pose serious, unique hazards to children: toys for young children are required to have a locking mechanism to prevent a child's access to them. When inserting or replacing batteries, consumers need to be certain to re-engage the locking mechanism and never leave fresh or spent batteries out where they are accessible to children. Coin cell batteries can be especially dangerous if swallowed, so exercise vigilance.
- At parties and other festive events, be sure to supervise children when latex balloons are present, as un-inflated balloons and broken pieces can pose a choking hazard.
- Similarly, strict U.S. toy standards govern the use of small powerful magnets in toys. However, other adult desk products have been confused by parents and children as "toys" that are suitable for children. Such magnets, whether in office supplies or other products, are not appropriate for children and should never be put in or near mouths and noses.
- Keep a separate toy chest for older children whose toys may contain small parts; enlist their help in keeping their toys out of reach of younger siblings.

Throughout the year:

- Engage grandparents and caregivers in a discussion about toys and safe play; help them become familiar with these toy safety tips and the importance of age- and interest-appropriate toys.
- Be a good role model for the safe use of toys and stay engaged in active adult supervision of children at play.
- Keep stuffed toys (and other objects like quilts, etc.) out of the cribs of sleeping infants and younger children. If children roll their faces against these objects, it can obstruct their breathing.
- Keep toys organized and off stairs or out of high-traffic areas in your home.
- Keep toys away from unsupervised areas (pools, bathtubs, driveways or streets with traffic) so they don't lure a child into a dangerous situation.
- Inspect toys regularly and repair (or replace) damaged or broken parts immediately.

LEARN MORE ABOUT TOY SAFETY

For more information about toy safety and the information contained in this report, please contact TIA:

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THE LAWS & REGULATIONS THAT ASSURE TOY SAFETY

The following are summary descriptions of the various U.S. laws and regulations in place to assure the safety of children's toys.

ASTM F963 Toy Safety Standard

With thousands of new toys introduced to the marketplace each year, ASTM F963 plays a vital role in protecting the safety of children. The first edition of the standard was published in 1986, based on a pre-existing toy industry standard published in the 1970s. It has been updated 11 times and became federal law in 2008 under the Consumer Product Safety Improvement Act.

The current edition of the standard, ASTM F963-11, establishes recognized safety requirements for toys intended for use by children under age 14. Internationally respected and emulated, the ASTM F963 standard helps to protect children in countless ways as it relates to possible hazards that may not be recognized readily by the public, but that may be encountered in the normal use of a toy. The standard includes more than 100 tests, design specifications and other requirements, including testing for use-and-abuse and accessible sharp points and edges, and measuring for small parts, wheel-pull resistance, projectiles and other mechanical and physical properties. There are also requirements and tests for flammability, toxicity, electrical and thermal requirements, toy chests and more.

The full standard is available at www.ASTM.org.

Accolades for ASTM F963

The subcommittee (made up of representatives of industry, consumer interests, health officials and government regulators) that is responsible for the development and ongoing maintenance of ASTM F963 continually reviews and revises the standard to keep pace with innovation and new information. Recognized as highly effective at protecting children, the standard is emulated around the world.

- In an endorsement of the standard's strength, in 2008 Congress made compliance with ASTM F963 mandatory for all toys sold in the U.S.
- In 2013, the ASTM F963 subcommittee received the CPSC Chairman's Circle of Commendation Award for its "significant, lifesaving contributions to consumer product safety in the U.S. and around the world."
- The subcommittee's leadership in safety was also recognized by the National Institute of Standards and Technology and American National Standards Institute during the 2013 U.S. celebration of World Standards Day.

U.S. PIRG has on multiple occasions been invited to participate on the ASTM Subcommittee on Toy Safety, the group responsible for maintaining the ASTM F963 Standard on Toy Safety. PIRG has repeatedly declined to participate, undermining its claim of striving to raise awareness of and improve product safety.

Consumer Product Safety Act (CPSA)

Includes the Consumer Product Safety Improvement Act of 2008 (CPSIA) and the Amendments passed in 2011 in H.R. 2715

The CPSC's original statute (CPSA), which was signed into law in 1972, established the agency, defined CPSC's basic authority and authorized the agency to develop standards. It also gave CPSC the authority to pursue recalls and ban products under certain circumstances.

Congress passed revisions to the CPSA in 2008 in the Consumer Product Safety Improvement Act (CPSIA). CPSIA seeks to enhance the safety of all consumer goods in the United States: it created a definition for "children's products" and made mandatory the ASTM F963 toy safety standard. It also increased the budget of the CPSC, imposed new testing and documentation requirements and set new acceptable levels of several substances.

Federal Hazardous Substances Act (FHSA)

The FHSA requires certain hazardous household products to have warning labels. It also gives CPSC the authority, under certain circumstances, to regulate or ban hazardous substances in toys or other articles intended for use by children in order to protect the public. Examples of products regulated under this law include electrically operated toys, cribs, rattles, pacifiers, bicycles and children's bunk beds.

Flammable Fabrics Act (FFA)

The FFA regulates the manufacture of highly flammable clothing and interior furnishings. Under FFA, CPSC has the authority to issue standards. Some examples of standards that have been established are for clothing textiles, vinyl plastic film used in clothes, carpets and rugs, children's sleepwear, mattresses and mattress pads. These requirements also apply to clothing on dolls and toys.

Child Safety Protection Act (CSPA)

The CSPA amends certain provisions of the Federal Hazardous Substances Act to better protect young children from choking hazards. The CSPA requires warning labels on specific products and mandates that manufacturers, importers, distributors and retailers report certain choking incidents.

View all CPSC and toy-governing statutes at www.CPSC.gov.