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Toy “Weapons” top this Season’s “10 Worst Toys” List

W.A.T.C.H.’s 41st Annual Report Urges Parents to Protect Children from Harmful Toys

(Boston, MA—Nov. 20, 2013) World Against Toys Causing Harm, Inc. (W.A.T.C.H.) today revealed its nominees for the “**10 Worst Toys of 2013**” and demonstrated why “toy weapons”, and other toys like them, should not be in the hands of children this Holiday Season.

This year’s toy report, announced by Consumer Advocates Joan E. Siff, President of W.A.T.C.H., and James A. Swartz, a nationally known trial attorney and a Director of W.A.T.C.H., demonstrated the types of toy hazards parents should watch-out for. They also provided up-to-date information about toy recalls and explained the need for vigilance while Holiday shopping.

(In addressing the potential hazards found in this year’s nominees for the “10 Worst Toys”, Siff and Swartz issued the following remarks):

As you can see from our list of “10 Worst Toys of 2013”, the focus of this year’s list, among other safety concerns, is toy “weapons”. **Realistic looking toy guns, slingshots, boomerangs and projectiles have the potential to lead to tragic, sometimes deadly, consequences.** These toys, with the potential to seriously harm or kill children, continue to be found on store shelves, in catalogues, and on e-retailers’ websites. These toys, that resemble real weaponry, have no place in the hands of children. Evidence of the potential for tragedy is the recent death of a thirteen-year-old boy in Santa Rosa, CA, who was fatally shot by a police officer who mistook his toy gun for a real weapon.

In today’s world, there is no excuse for outfitting children with realistic toy “weapons” designed to produce dangerous and unnecessary thrills. Existing regulations addressing the hazards associated with such “toys” are inadequate. **Detailed replicas have resulted in a number of deaths through the years and should never be sold as toys.**

These particular toys are illustrative of some hazards in toys being sold to consumers, and should not be considered as the only potentially hazardous toys on the market.

Parents and caregivers need to know what dangers to look for when they purchase toys for children this Holiday season and year-round. Unfortunately, there have been many deaths and injuries to children as a result of poorly designed and tested toys. Many of these injuries can be prevented with safer designs, stronger regulations, and education about the dangers lurking in toy boxes. The recurrence of many known hazards in toys, as well as numerous recalls in the past year, are clearly suggestive of a broken system that needs fixing before more children are harmed. **In the twelve month period since W.A.T.C.H.’s last “10 Worst Toys” conference, there have been at least twenty-nine (29) toy recalls representing over one million units of dangerous toys in the United States and Canada.**

While there has been recent increased focus on toy safety by the government, dangerous toys are not a new problem. For four 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**. In the United States, over three billion toys and games are sold each year. The CPSC reported that in 2011 alone, there were at least thirteen (13) toy-related deaths to children under 15 years old, and an estimated two hundred sixty two thousand three hundred (262,300) toy-related injuries treated in U.S. hospital emergency rooms.

Continued vigilance is needed to protect against enduring toy hazards that could lead to serious injury or death. Awareness of classic toy dangers that reappear year after year, such as small parts, strings, projectiles, toxic substances, rigid materials, and inaccurate warnings and labels, can save lives. These classic hidden hazards, which have led to many incidents of deaths and brain damage, can still be found in newly designed toys. One example is the alarming number of toys on toy store shelves with easily detachable small parts or affixed small parts that can be aspirated, ingested, or occlude a child's airway. **The twenty (20) toy recalls due to choking and/or ingestion risks issued by the Consumer Product Safety Commission (CPSC) in the preceding twelve months**, representing over four hundred thirty five eight hundred (435,800) defective units in the United States and Canada, **highlight the continued problem** of small and ingestible parts reaching the marketplace.

There is no excuse for manufacturing a toy that can kill a child since toys are embellishments of life, not necessities. Consumers have a right to expect the toys they select for their children are designed with safety as a priority.

FIRST LINE OF DEFENSE - SAFE DESIGN AND MANUFACTURE

The best weapon in the fight to prevent injuries to children continues to be safely designed and manufactured products. The burden must be on manufacturers and retailers, not consumers, to identify the known hazards before their products enter the channels of commerce. There is a dangerous assumption among toy shoppers that all toys purchased from big-name manufacturers and retailers, such as Hasbro, Toys R Us, Walmart, and Amazon.com are not dangerous.

In fact, seeing a familiar name on a package can lead to a false sense of security that the toy enclosed is safe. While proper labeling, regulations and recalls are important for toy safety, toy manufacturers have a responsibility to ensure safe products reach the marketplace. Certain toys on toy store shelves may be in compliance with industry or regulatory standards, but are clearly dangerous, proving the **gross inadequacy of existing standards**. For instance, toys with parts that can detach and become lodged in a child's throat are often not considered "small parts" by the industry. Moreover, **recalls are reactive, not proactive**. Unfortunately, many consumers never receive notice of toy recalls and may not know that a dangerous toy sits like a time bomb in their child's toy box. Many of the toys recalled in the last year not only put children at risk of

serious injury or death, but are clear evidence of substandard manufacturing practices, and inadequate premarket testing.

The “10 Worst Toys” list is one of the ways W.A.T.C.H. continues the fight to protect children from unsafe toys against a 20 billion dollar a year toy and game industry. Protecting children will, however, take more than a list of illustrative harmful toys. Safety for children in the year 2013 and beyond will only occur when preventing injuries caused by unsafe toys becomes the number one priority for the toy industry and the government regulatory agencies.

ABOUT THE AUTHORS:

James A. Swartz is a nationally known trial attorney, consumer advocate, and a Director of W.A.T.C.H. His law practice at Swartz & Swartz includes many well-known cases involving product liability injuries. Attorney 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. Mr. Swartz earned his J.D. at Georgetown University Law Center. He is a member of Trial Lawyers for Public Justice, serving as Massachusetts State Coordinator; The Massachusetts Bar Association; The Massachusetts Academy of Trial Attorneys; The American Bar Association; and The Boston Bar Association, among many other associations. James Swartz has appeared on such national television programs including as "Take It Personally" on CNN, "Newsfront" on MSNBC, "Legal Cafe" on COURT TV, "Crook and Chase" on the Nashville Network (TNN), interview on BLOOMBERG BUSINESS NEWS television network, and in news reports on CNN, and other national news networks.

Joan E. Siff, President of W.A.T.C.H., began presenting the “Ten Worst Toys” list with Attorney Edward M. Swartz (1934-2010) on behalf of W.A.T.C.H. in 1991. She earned her J.D. and Masters in Mass Communication from Boston University. After serving as an Assistant District Attorney in the Commonwealth of Massachusetts, Norfolk County, Ms. Siff practiced product liability litigation. Ms. Siff is admitted to the bars in Massachusetts, New York and the District of Columbia. Ms. Siff is the author of "Toy Regulation Still Lagging In Protecting Children," which was published in the Leader's Product Liability, Law and Strategy in December of 1992. Ms. Siff has given numerous lectures on behalf of W.A.T.C.H. to increase awareness about unsafe children’s products. Some of her media appearances include: Fox News Live, LawLive (FATV), CNN Radio Atlanta, NECN, The Michael Smerconish Morning Drive Radio Program (Philadelphia). She has served on several non-profit boards relating to children’s causes and is currently a Board Member for Franciscan Hospital for Children.

ARMY FORCE AUTOMATIC RIFLE



Price:	\$19.95
Manufacturer or Distributor:	Chuangfa Toys Factory
Retailer(s):	Amazon.com
Age Recommendation:	“8 years and up” (online); “Age for 3 years old” (packaging)
Warnings:	“WARNING: CHOKING HAZARD- small parts. Not for children under 3 years,” and other warnings (package)

HAZARD: REALISTIC TOY WEAPONRY!

W.A.T.C.H. OUT! In today’s world, there is no excuse for outfitting children with realistic toy weapons designed to produce dangerous and unnecessary thrills. Existing regulations addressing the hazards associated with such “toys” are inadequate. Detailed replicas have resulted in a number of deaths through the years and should never be sold as toys.

BIG ROCK & ROLL BALL PIT



Price: \$39.99
Manufacturer or Distributor: The Little Tikes Company
Retailer(s): Toys R Us
Age Recommendation: “3+ years”
Warnings: “CAUTION: Use only under Competent Supervision”;
DO NOT dive on, climb on, or jump off of item”; and
numerous other warnings and cautions

HAZARD: POTENTIAL FOR IMPACT INJURIES!

W.A.T.C.H. OUT! Children as young as 3-years-old are encouraged to climb inside or push this rolling, inflatable ball pit. The manufacturer cautions that “competent adult supervision is required....,” however the box portrays unsupervised children at play.

MAX STEEL INTERACTIVE STEEL WITH TURBO SWORD



Price:	\$27.99
Manufacturer or Distributor:	Mattel
Retailer(s):	Kmart; ToysRUs.com; Target.com; Walmart.com
Age Recommendation:	“4+”
Warnings:	“WARNING: Small parts may be generated” (package)

HAZARD: POTENTIAL FOR IMPACT INJURIES!

W.A.T.C.H. OUT! Young children are encouraged to “attach steel to turbofy” this rigid plastic sword, measuring approximately 2 feet long. The blade has the potential to cause facial or other impact injuries.

DISNEY PRINCESS BACKPACK FISHING KIT



Price:	\$14.98
Manufacturer or Distributor:	Disney; Pure Fishing, a subsidiary of Jarden Corporation
Retailer(s):	Toys R Us
Age Recommendation:	“For ages 4 and up”
Warnings:	“Warning: contains lead. May be harmful if eaten or chewed. May generate dust containing lead.”

HAZARD: POTENTIAL FOR CHEMICAL INGESTION INJURIES!

W.A.T.C.H. OUT! This “Disney Princess” backpack, marketed for children as young as 4-years-old, includes a tackle box, sunglasses, and “practice casting plug.” Remarkably, the cardboard insert warns that the play item “contains lead,” which may be “harmful if eaten or chewed,” and further that the toy “[m]ay generate dust containing lead.” Toxic chemicals should not be in children’s products.

BLACK WIDOW FOLDING SLINGSHOT



Price:	\$30.75
Manufacturer or Distributor:	Barnett Outdoors, LLC
Retailer(s):	Amazon.com
Age Recommendation:	“6 months and up” (online only)
Warnings:	“Disclaimer of liability” that “[i]f improperly used...could cause severe harm”; and other cautions and instructions

HAZARD: POTENTIAL FOR SERIOUS BODILY INJURIES!

W.A.T.C.H. OUT! This slingshot marketed by a company offering for sale “the most powerful slingshot in the world!” was purchased online in Amazon’s “toys & games” section for ages “6 months and up.” It is illegal for slingshots to be sold in Massachusetts.¹ In past years, as a result of W.A.T.C.H.’s efforts and the cooperation of the Massachusetts Office of the Attorney General, such weaponry has been removed from toy store shelves. Other states, including New Jersey, Rhode Island, and Washington, have similar statutes.

¹Mass. Gen. L. ch. 269, §12 (1987):

Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as a ...sling shot...shall be punished by a fine or not less than fifty nor more than one thousand dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used

LITTLE DRUMMER



Price:	\$19.99
Manufacturer or Distributor:	Hape Toys
Retailer(s):	Toyshop.com; Amazon.com; Stellabella Toys
Age Recommendation:	“12 M+”
Warnings:	None

HAZARD: POTENTIAL FOR INGESTION AND CHOKING INJURIES!

W.A.T.C.H. OUT! This multi-colored drum is sold for babies as young as twelve-months-old. The manufacturer provides no warnings regarding the slender, rigid approximately 6 ½” long drumstick, which has the potential to be mouthed and occlude a child’s airway.

BOOMERANG “THROW & CATCH”



Price:	\$1.27 (based on \$30.46 for a case of 24)
Manufacturer or Distributor:	Kole Imports
Retailer(s):	Amazon.com
Age Recommendation:	“16 months and up” (online); “Not for children under 3 years” (package)
Warnings:	“WARNING: CHOKING HAZARD- small parts (package); “Unsuitable for children under 36 months, because it’s a flying toy,” and other cautions

HAZARD: POTENTIAL FOR IMPACT INJURIES!

W.A.T.C.H. OUT! This rigid plastic boomerang incorporates whistles that “make a bee sound” when thrown. The manufacturer cautions that the “toy” should not be aimed at “people and animals.” Boomerangs should not be sold for children of any age.

DISNEY BABY SNOW WHITE



Price:	\$13.99
Manufacturer or Distributor:	Tollytots Limited
Retailer(s):	Kmart; ToysRUs.com; Amazon.com
Age Recommendation:	“2+”
Warnings:	“WARNING: Remove all packaging attachments like rubber band and/or plastic strap before giving product to child”

HAZARD: POTENTIAL FOR CHOKING INJURIES!

W.A.T.C.H. OUT! Oral-age children as young as 2-years-old are encouraged to add “Baby Snow White” to their “royal nursery” collection. The doll is sold wearing a detachable headband with a plastic heart-adorned bow that poses the potential for choking if ingested.

N-STRIKE JOLT BLASTER



Price:	\$4.99
Manufacturer or Distributor:	Hasbro
Retailer(s):	Kmart; Amazon.com; Hasbro.com; Kohls.com
Age Recommendation:	“Ages 8+”
Warnings:	“CAUTION: Do not aim at eyes or face. TO AVOID INJURY: Use only darts designed for this product. Do not modify darts or dart blaster”

HAZARD: POTENTIAL FOR EYE INJURIES!

W.A.T.C.H. OUT! The manufacturer of this “jolt blaster” which packs a “powerful punch,” encourages children to “[h]ide it in your pocket to get the drop on your unsuspecting target!”

The dart provided can shoot with enough force to potentially cause eye injuries.

THE SPOONER- FREESTYLE



Price:	\$39.99
Manufacturer or Distributor:	Spooner, Inc.
Retailer(s):	Amazon.com; Stellabella Toys
Age Recommendation:	“Ages 3+” (package insert)
Warnings:	“Use at your own risk”; “Ride at your own risk”; “Board sports are dangerous. Ride spooners...at your own risk” (package inserts)

HAZARD: POTENTIAL FOR HEAD OR OTHER IMPACT INJURIES!

W.A.T.C.H. OUT! The “Spooner” is a polyethylene board resembling a skateboard without wheels. Marketed as the “ultimate fun board!” children are encouraged to go online for “trick tips,” such as the “180° Spin” and “The Flipper,” which can be done “on all surfaces.” The manufacturer makes no mention of safety gear, and children pictured on the packaging are not wearing helmets or other safety protections.