

OCTOBER 7, 2003

SCHAKOWSKY AND CONCERNED PARENTS CONTINUE FIGHT TO BAN SALE OF YO-YO BALLS

DANGEROUS TOY POSES RISK OF STRANGULATION TO CHILDREN

WASHINGTON, D.C. - U.S. Representative Jan Schakowsky (D-IL), the ranking Democrat on the Commerce, Trade and Consumer Protection Subcommittee, continued her campaign to ban the sale of yo-yo balls, a toy that poses a risk of strangulation to children.

In a second letter to the Consumer Product Safety Commission (CPSC), Schakowsky wrote that she was "perplexed to see that the CPSC classified yo-yo balls as having a *'low but potential risk of strangulation.'*

"She continued, "It would certainly appear to me that any toy which prompts 186 reports of incidents and which caused at least seven cases of broken blood vessels has more than a *'low'* risk and establishes a substantial risk of injury to the public."

Schakowsky cited numerous examples where CPSC chose to "err on the side of caution" and recall products "even when there were few or no reported incidents or injuries." For example, CPSC recalled bottled water with push-pull sports caps because, according to the CPSC, *"when pulled to open, the drinking spout of the sports cap can unexpectedly come off, posing a choking hazard for young children."* The CPSC press release stated that there have been ten complaints with no injuries reported.

Following numerous complaints from parents and a letter from Schakowsky, CPSC issued a press release on September 24, 2003 to inform parents about the risk yo-yo balls poses to children.

"While it is important that parents be warned about the product, it is also realistic to assume that the vast majority of parents and caregivers will never hear about the warning. Instead, if this toy remains for sale, more children will have the opportunity to play with it and run the risk of getting hurt," Schakowsky concluded.

Below is the full text of Schakowsky's 10/7/03 letter to CPSC:

October 7, 2003

Mr. Hal Stratton
Chairman
U.S. Consumer Product Safety Commission
Washington, DC 20207-0001

Dear Chairman Stratton:

I am writing to follow up on my previous letter to you regarding the safety of the children's toy known as a yo-yo ball and to inquire about what next steps the CPSC plans to take to help prevent additional children from suffering injuries due to use of this product. I appreciate that the Consumer Product Safety Commission (CPSC) took the important first step of issuing a press release on September 24, 2003 to inform parents about the risk this toy poses to children. Now I feel it is critical that the CPSC continue the process toward banning the toy in the United States.

While I was pleased that the CPSC took some action, I was somewhat perplexed to see that the CPSC classified yo-yo balls as having a "low but potential risk of strangulation." I was also surprised to see that the CPSC concluded that the yo-yo ball "does not meet congressionally mandated standards for product recall." It is my understanding that, while the CPSC is required by statute to consider certain factors, it also has the discretion to determine whether a toy poses a "substantial product hazard" based on those factors. It would certainly appear to me that any toy which prompts 186 reports of incidents and which caused at least seven cases of broken blood vessels has more than a "low" risk and establishes a substantial risk of injury to the public.

I have noticed that for many other hazardous products for children, the CPSC and the product's manufacturer chose to err on the side of caution and recall the product even when there were few or no reported incidents or injuries. The following are some recent examples:

. On September 17, 2003, the CPSC and a firm announced the recall of bottled water with push-pull sports caps because, "when pulled to open, the drinking spout of the sports cap can unexpectedly come off, posing a choking hazard for young children." The CPSC press release stated that there have been ten complaints with no injuries reported. There are over 3 million of those units in circulation.

. On September 17, 2003, the CPSC and Simon & Schuster announced the recall of a children's book called "Dora the Explorer Children's Board Book" because a plastic replica of a balloon attached to the book can detach, posing a choking hazard to young children. The CPSC press release stated that there have been no incidents or injuries reported.

. On September 10, 2003, the CPSC and L.M. Becker and Co. Inc. announced the recall of a toy necklace found in vending machines attached to which is a pendant that contains high levels of lead, posing a risk of poisoning to young children. The CPSC press release stated that the firm received one report of a child who swallowed the necklace's pendant, which reportedly resulted in high lead levels in her blood. There are over 1 million of those units in circulation.

. On August 21, 2003, the CPSC and Small World Toys announced the recall of a children's puzzle called "Puzzibilities Recycling Truck Puzzle" because one of the puzzle pieces poses a small parts choking hazard to young children. The CPSC reports that no incidents or injuries have been reported. "The recall is being conducted to prevent the possibility of injuries," the CPSC press release stated.

. On August 21, 2003, the CPSC and C.D.X. Trading Inc. announced the recall of the Falcon Action Toy Jet because small parts of the toy jet can detach, posing a choking hazard to young children. The CPSC press release stated that no injuries have been reported.

I was satisfied to see that so many dangerous products have been removed from shelves before a child was seriously hurt or injured. Yet, I would like to know the reasoning behind the CPSC's decision not to do the same with yo-yo balls. They have caused harm to a significant number of children already and promise to inflict more, potentially worse, injury. While it is important that parents be warned about the product, it is also realistic to assume that the vast majority of parents and caregivers will never hear about the warning. Instead, if this toy remains for sale, more children will have the opportunity to play with it and run the risk of getting hurt.

I look forward to hearing from you and working with you further to ensure that no additional children in this country will suffer injuries from playing with yo-yo balls.

Sincerely,
Jan Schakowsky
Ranking Member
House Subcommittee on Commerce, Trade, and Consumer Protection