

U.S. to study toys for lead

TRIBUNE UPDATE: Prompted by paper's findings, safety agency testing 21 products, may seek recalls

**By Sam Roe
and Ted Gregory**
Tribune staff reporters

The U.S. Consumer Product Safety Commission said Wednesday it has started an investigation into a variety of toys identified in a Tribune inquiry as containing levels of lead over

government safety limits.

Commission spokeswoman Julie Vallese said federal inspectors are collecting samples of each of the 21 toys and other children's products the Tribune found with high amounts of lead, including an award-winning Baby Einstein block and a popular Ty Girlz doll.

The safety commission will test the samples at its laboratory, Vallese said. If the toys are deemed hazardous, the agency will work with manufacturers to recall them.

"The agency takes the issue of lead very seriously," she said. "We believe it should be removed when it poses a health

risk to consumers."

The federal investigation follows Monday's announcement by the Illinois attorney general's office that it was opening an inquiry into the 21 toys. The state office sent letters to the retailers and manufacturers involved, demanding that they stop selling the items in Illinois.

The majority of companies, including Walgreens and Party City, had already pulled the toys from their shelves after the Tribune informed them of its test results, which were based

on testing of a single item at a certified laboratory.

At least two more companies said Wednesday that they had agreed to stop selling certain products in Illinois.

"The product is safe," said Stuart Sentner, vice president of sales for ALEX. The company, based in Northvale, N.J., manufactures a Desk To Go item that showed levels of lead about five times above state limits. "But in lieu of your report and your

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LEAD: Illinois gets tainted pencils, jewelry pulled

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findings we have withdrawn the product from sale in the state of Illinois and will keep it off until we have significant documentation that will refute your report.”

Using a hand-held scanner and two laboratories, the Tribune tested about 800 toys and children’s products sold in the Chicago area, finding that a dozen violated federal standards for lead and nine others exceeded both U.S. and state limits.

A soft, dense metal, lead can cause learning delays in children. While lead-based paint in old homes remains the most common risk, children can also be exposed by chewing or swallowing tainted toys or by repeatedly touching them and then putting their hands in their mouths.

Several manufacturers identified in the Tribune investigation said they had tested their products and found no lead hazard.

But Vallese said the safety commission “likes to verify information for ourselves” by doing its own testing.

Kevin Williams, vice president at OgoSport LLC, makers of an inflatable yellow disk that showed lead levels about 27 times above state limits in the Tribune tests, said company testing showed the disk to be safe.

“We’ll see what they come up with,” Williams said. “If they say there’s something wrong, then we’ll address it.”

John Ryan, attorney for the Toysmith Group, distributor of a plastic Godzilla toy that showed high lead content in the Tribune’s testing, said the company would not comment until it received results from the safety commission. Toysmith has pulled the item from shelves in Illinois, he said.

Ty Inc., maker of the Ty Girlz Jammin’ Jenna doll, and Kids II Inc., distributor of the Baby Einstein Discover & Play Color Blocks, could not be reached Wednesday. Tribune testing found that a vinyl-like part on



Tribune photo by Heather Stone

Baby Einstein Discover & Play blocks were among toys found to exceed the state lead limit.

both products exceeded the state limit for lead.

There is no federal law specifically for lead in vinyl toys, but U.S. regulators could take action if tests show an item contains high lead levels and that the metal seeps from the product if it were chewed or swallowed.

Also Wednesday, Illinois Atty. Gen. Lisa Madigan announced that certain brands of children’s jewelry and pencils had been pulled from shelves after testing by her office determined the products had excessive levels of lead. The attorney general’s office bought the jewelry at Claire’s boutiques and the pencils at Party City.

The jewelry items are:

Claire’s necklace with large heart and stars pendant; Claire’s Club Silver Tiara hair clip; Claire’s Club Silver “Princess” bracelet; Disney charm necklace with large heart pendant and small “Little Mermaid” charm; and Disney charm necklace with large heart pendant and small “Sleeping Beauty” charm.

Also pulled from the shelves were pencils manufactured by Amscan Inc. of Elmsford, N.Y. Paint on the pencils contained high levels of lead. The pencils, sold in sets, are:

Frog and Lizard Favor Set; Baseball Championship Favor Set; Soccer Ball Championship Favor Set; Basketball Championship Favor Set; Football Championship Favor Set; Safari Party Favor Set; Fashion Fun Favor Set; and Underwater Friend Favor Set.

Claire’s boutiques and Party City agreed to remove the items from shelves while they discuss a resolution on the issue with Madigan’s office, the attorney

Lead-tainted kids jewelry is recalled

Associated Press

WASHINGTON — More than a half-million pieces of Chinese-made children’s jewelry contaminated with lead are being recalled, it was announced Wednesday.

The recalled merchandise involves pieces sold by Family Dollar Stores Inc., pieces sold by Michaels Stores Inc., charm bracelets and tack pin sets sold by Big Lots Inc., stretchable bracelets imported by Cherrydale Fundraising LLC, necklaces and bracelets manufactured by Colossal Jewelry & Accessories Inc. and necklace and earring sets made by La Femme NY 2 Inc.

The enforcement action was a cooperative effort by New York Atty. Gen. Andrew Cuomo and the federal Consumer Product Safety Commission. The CPSC said it was tipped about the jewelry by Cuomo’s office. In addition to the recall, a number of retailers, including Big Lots and Michaels, agreed in a settlement to stop sales of lead-tainted jewelry.

Cuomo said several companies will pay fines. While most of the jewelry was made in China, some was from Thailand and India, and some had no clear source, a Cuomo spokesman said.

general said in a statement Wednesday. Claire’s and Party City also have agreed to provide refunds for the items, Madigan said.

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IN THE WEB EDITION



Read the Tribune report that prompted the government action and find resources for buying safe toys at chicagotribune.com/safety

State tracks lead in toys

Madigan begins investigation

By Sam Roe and Ted Gregory
Tribune staff reporters

The Illinois attorney general's office on Monday opened an inquiry into numerous toys identified in a Tribune investigation as containing high levels of lead.

"We need manufacturers to realize that they are going to be held accountable," said Ca-

ra Smith, deputy chief of staff to Illinois Atty. Gen. Lisa Madigan.

The Tribune reported Sunday that testing by the newspaper found 21 different toys sold in the Chicago area violated Illinois' law for lead. Some items also exceeded much looser federal limits.

A day later, Smith said the state attorney general's office will investigate each of the 21 products and contact the companies involved to demand they remove those items from shelves in Illinois. State law, among the strictest in the nation, bans all toys with a lead

content over 600 parts per million.

The order will apply to retailers, manufacturers and distributors.

The investigation also will try to determine the distribution network of each product, how many of the items were sold in Illinois, and whether the manufacturers will offer refunds, Smith said.

She said she anticipates opposition from manufacturers—mainly because of Illinois' tough stance on lead in toys—but added she expects companies to pull potentially tainted products eventually.

"It's an awfully tough argument to say, 'It's OK to have lead in children's products,'" Smith said.

At the Field Museum, where the Tribune found a ceramic whistle and a painted toy animal with high levels of lead, spokeswoman Nancy O'Shea said the institution "will cooperate and answer any questions [Madigan's] office might ask."

The museum pulled both items in September after the Tribune notified the institution of the toys' high lead content. O'Shea declined to comment further.

Ty Inc., the maker of "Jammin' Jenna," a doll that had shown lead content in its red vinyl shoes three times above Illinois' limit, said Monday that the Westmont-based company would conduct its own investigation.

"If we determine that, based upon whatever laws may be applicable, these items should not be on the shelves, then we'll take whatever action is necessary to make sure we are in compliance," Ty attorney Richard Cremieux said.

While the state bans vinyl

PLEASE SEE MADIGAN, PAGE 4

MADIGAN: Lead varies from 1 toy to the next

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toys that contain more than 600 parts per million of lead, federal law does not.

He declined to comment on the state's inquiry or the demand that Jammin' Jenna be removed from Illinois shelves.

The attorney for the Toysmith Group, importer and distributor of a plastic Godzilla toy that showed excessive levels of lead in the Tribune's tests, said Madigan's office had not contacted his company as of Monday afternoon. A Chicago toy store owner pulled the 14-inch

Godzilla and other versions of the toy from her four stores after a Tribune reporter's handheld lead scanner showed that yellow paint on the toy's back contained excessive lead levels.

The newspaper sent that toy to the University of Iowa Hygienic Laboratory, which analyzed the yellow paint and found it contained 4,500 parts per million of lead, or about 8 times higher than the state's limit.

Toysmith acquired all the remaining toy Godzillas sold in that Chicago-area chain, said Toysmith attorney John Ryan. Late last week, Toysmith sent one of the Godzillas for testing to the Iowa lab.

The results from the most recent testing on yellow paint on the back and unpainted plastic at the bottom of the toy's feet showed no detectable levels of lead, Matt Coleman, the University of Iowa analyst who tested the toy, said Monday. He re-analyzed the sample taken from the

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TRIBUNE UPDATE

Toymaker fights state recall

Ty Inc. refuses Illinois' request to pull lead-tainted doll from stores

By **Sam Roe**
and **Ted Gregory**
TRIBUNE REPORTERS

In what could trigger the first test of Illinois' strict law against lead in toys, a major toymaker is refusing to pull a popular, but tainted, doll from store shelves across the state.

Illinois authorities thought they had reached an amicable agreement

late last year with Ty Inc. to have the company voluntarily remove its Jammin' Jenna dolls from retailers because the toys contained high amounts of lead.

But a few days later, the state attorney general's point person on the issue was surprised to see Jammin' Jenna for sale in a candy store near her office. The next morning, the official spotted another one at a gro-

IN THE WEB EDITION

See list of tainted toys



Interactive graphic outlines Tribune's findings. chicagotribune.com/lead

cery store near her home.

When the attorney general's office confronted Ty, best known for its Beanie Babies, the Westmont-based company said it would no longer sell new versions of Jammin' Jenna to Illinois retailers. But it re-

fused to recall dolls already in stores, according to the state.

One option Illinois authorities are considering: suing Ty to force the company to comply.

The weeks-long fight is just one snag state authorities have encountered while investigating a variety of toys the Tribune identified last fall as containing illegal amounts of lead.

A day after the newspaper released its testing results showing that Jammin' Jenna and 20 other toys sold in the Chicago area had

PLEASE SEE **LEAD** » PAGE 17

JAMMIN' JENNA
The red paint on the popular Ty Inc. doll's shoes exceeded Illinois lead limits.



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high lead levels, the state attorney general's office opened an inquiry into each one. Authorities wrote letters to the retailers and, if known, the manufacturers, asking that they cease sales.

According to the state, as well as interviews with the companies, 12 toys have been pulled statewide. Nine of those have been withdrawn nationwide. In the case of several other toys, investigators have been unable to determine the manufacturers. So even though individual Chicago stores have told the state they have pulled items from their shelves, it is unknown whether those products are still being sold elsewhere in the city or state.

At least two toy companies have taken additional steps in the wake of the Tribune and state investigations. ALEX toys has overhauled its testing for lead in toys. And Kids II Inc. has replaced lead-tainted material in its Baby Einstein Discover & Play Color Blocks, according to Illinois authorities.

But the state attorney general's office remains at odds with Ganz, a Toronto-based manufacturer, over a heart-shaped ornament that the Tribune found contained high levels of lead. Ganz officials have said the charm is not children's jewelry and therefore not subject to lead-safety rules. The attorney general's office disagrees.

State authorities also are upset at national retailer Party City, which told investigators and the Tribune in the fall that it had stopped selling a pirate skull ring found by the newspaper to contain high lead levels. A spot check by the Tribune later found the ring still for sale.

The newspaper bought and tested the ring again. It exceeded safety limits for lead.

A Party City spokeswoman said the chain had instructed its 500 stores across the country to pull the rings and thought the order had been



Tribune photo by Heather Stone

This high-lead ring was being sold after Party City said it had been taken off shelves.

carried out. The firm said it re-issued the order earlier this month after the Tribune informed the company that the tainted product was still on some shelves.

The retailer also said it has instructed its stores to withdraw a similar pirate necklace, which the Tribune found in a follow-up test contained lead levels more than 200 times the state limit.

Despite its concern with Party City, the attorney general's office said it is most troubled with Ty Inc. over its Jammin' Jenna, one of several dolls in the Ty Girlz product line.

"They sell very popular products that children love. It would be our expectation that they would step up and do what they can to make sure their products don't contain lead," said Cara Smith, deputy chief of staff to Illinois Atty. Gen. Lisa Madigan.

Scott Wehrs, Ty's chief operating officer, declined to comment for this article.

Last fall, the Tribune tested the red vinyl shoes on three Jammin' Jenna dolls, and all three exceeded Illinois lead limits. (The newspaper also tested several other dolls in the Ty Girlz line, but those showed no detectable amounts of lead.)

According to Smith, soon after the Tribune published its results on the Jammin' Jenna doll, Ty Inc. told state authorities it would stop distributing that particular Ty Girlz doll in Illinois and remove it from shelves.

A few days later, Smith said, she was in a candy store

in the Thompson Center, where the attorney general has offices, when she spotted one of the Jammin' Jenna dolls for sale. The next morning, while shopping at a Jewel grocery in River Forest, she saw another one. "I thought, 'They're everywhere,'" she recalled.

When the state called Ty Inc. for an explanation, Smith said, the company switched positions, saying it would not recall those already on shelves.

Unsatisfied with that response, Smith's office bought three dolls and tested them for lead. Two of three, she said, showed levels over the Illinois limit of 600 parts per million.

Talks continue between the two sides. Smith said the state could sue Ty Inc. for failing to comply with the state's stricter lead rules that went into effect in 2006.

In previous interviews, Ty Inc. representatives have said the company is not violating state law because federal rules supersede it. While the state bans vinyl toys that exceed the 600 parts per million limit, federal law does not.

But both the state attorney general's office and the federal Consumer Product Safety Commission have said that the Illinois ban is valid because states can adopt their own rules where no federal law exists. The safety commission is conducting its own investigation into the 21 toys identified by the Tribune; results are expected within a few weeks.

For consumers, the tougher Illinois law might add confusion over which toys are safe. Toymakers, for example, may be required to pull items in Illinois but not in other states.

That is the case with ALEX toys, manufacturer of the "Desk To Go" writing mat and case. The company has stopped shipping the item to Illinois but declined to pull the product nationally because federal law does not require it to do so, said Drew Metz, ALEX's director of

product safety.

"There's not that many of these items out there anyway," he said, "and we still feel the product is safe."

Some companies did remove items from shelves nationally after the Tribune's tests.

Inter-American Trading, importers of a ceramic whistle that showed high lead levels after the newspaper bought one at the Field Museum, said it recently recalled the item from retailers nationwide.

"I'm not even offering it to my customers," said Lucia Rizo-Patron Crawford, owner of the Denver-based company. "I don't want to jeopardize my job, my family, my business—everything—for this."

Kids II Inc. stopped selling the popular Baby Einstein Discover & Play Color Blocks in Illinois the day after the Tribune investigation revealed the yellow block in the play set contained high amounts of lead, according to the attorney general's office.

The state said the company had promised to now make all yellow blocks distributed nationwide with satin as opposed to vinyl, the part that had tested positive for lead. Kids II did not respond to requests seeking comment.

And even though ALEX has withdrawn its Desk To Go writing mat from shelves only in Illinois, Metz said the company is now "changing everything" in its lead testing of all its products. Those changes began, he said, after the first large-scale toy recalls occurred last summer and were stepped up after the Tribune informed the company of the test results.

ALEX, which sells products in 70 countries, said it is checking materials for lead before or during production, then examining the products again once they arrive in the U.S. ALEX also is checking products already in the company's inventory.

"We've changed our procedures," Metz said. "That way, we don't have any issues at all."

High-lead dolls are taken off shelves

Ty changes shoes on Jammin' Jenna

By **Sam Roe**

TRIBUNE REPORTER

Facing increasing pressure from authorities, a major toy-maker has removed lead-tainted dolls from store shelves across the state, the Illinois attorney general's office said Tuesday.

Ty Inc. said it has replaced its popular Jammin' Jenna dolls with a redesigned version, the state said. Now, the toy's shoes are made of cloth and not vinyl, the part of the product that showed high lead levels.

"While we are pleased with the results, it is unfortunate it took weeks to get them to take these steps," said Cara Smith, deputy chief of staff to Illinois Atty. Gen. Lisa Madigan.

Ty officials could not be reached for comment Tuesday night.

The state and Ty, which is based in Westmont, had been at odds since last fall when testing by the Tribune found that the doll and a variety of other toys sold in the Chicago area contained high levels of lead, a metal that can cause learning delays in children.

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A day later, the attorney general's office demanded that retailers and manufacturers cease sales of the tainted toys identified by the newspaper. Most companies complied, Smith said, but Ty agreed only to stop distributing new Jammin' Jennas to retailers. The company refused to pull those dolls still on shelves, Smith said.

Unsatisfied, the state began testing the dolls and considering legal action against the company. The dispute was detailed Tuesday in a Page 1 story in the Tribune.

On Tuesday afternoon, Smith said, a Ty lawyer called

the attorney general's office and said that the company had pulled the dolls from shelves the first week in January. Smith said it was unclear why Ty waited until Tuesday to tell the state.

In previous interviews, Ty representatives have said the company is not violating state law because federal rules supersede it. While the state bans vinyl toys that exceed 600 parts per million of lead, federal law does not.

But both the state attorney general's office and the Consumer Product Safety Commission have said the Illinois ban is valid because states can adopt their own rules where no federal law exists.