TROUBLE IN TOYLAND

The 26th Annual Survey of Toy Safety

November 2011

U.S. PIRG Education Fund

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Acknowledgements

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Executive Summary

The 2011 Trouble in Toyland report is our 26th annual survey of toy safety. In this report, we provide safety guidelines for consumers when purchasing toys for young children and provide examples of toys currently on store shelves that may pose potential safety hazards.

Over the past twenty five years, the report has identified hazards in toys and children's products that could cause an acute injury from small parts that pose a choking hazard, to strangulation hazards from cords on pull toys, to laceration hazards from edges that are too sharp and to toxics hazards posed by toys. Our report has led to at least 150 recalls and other regulatory actions over the years, and has helped us to advocate for stronger federal laws to protect children from unsafe products. This report continues to be an important endeavor in keeping children, particularly babies and toddlers safe, as the majority of all injuries happen to children in the 0-2 age range.[1]

The enactment of the Consumer Product Safety Improvement Act (CPSIA) of 2008 made great strides in toy safety and strengthened the ability of the Consumer Product Safety Commission CPSC to protect consumers, including the littlest consumers—children. Although in 2011 policymakers delayed implementation of its most stringent lead standard rules and enacted some narrow exceptions, on the whole the law has been protected from being weakened. However, we remain vigilant as a variety of regulatory threats to the CPSC's tools and authority remain under consideration by policymakers.[2]

We Looked For Common Hazards in Toys

We visited numerous national toy stores, malls and dollar stores in September and October 2011 to identify potentially dangerous toys. Our researchers examined the CPSC notices of recalls and other regulatory actions to identify trends in toy safety. Our investigation is focused on toys that posed a potential toxic, choking, strangulation or noise hazard. Our list of dangerous toys is in no way exhaustive, it represents a small sampling of the toys that can be found for sale.

Our Key Findings Include:

Lead Continues to be a Hazard in Toys

Exposure to lead can affect almost every organ and system in the human body, especially the central nervous system. Lead is especially harmful to the brains of young children and has no business in children's products.

This year our investigators found 2 toys whose lead levels exceeded the current 300ppm standard set by the CPSIA and one additional toy that exceeded its prospective 100ppm standard; we found 4 additional toys that exceeded the American Academy of Pediatrics recommendation that lead levels in toys should not exceed 40ppm.

Phthalates in Toys

Numerous studies have documented the potential negative health effects of exposure to phthalates in the womb or in child development. U.S. EPA studies show the cumulative impact of different phthalates leads to

an exponential increase in harms including premature delivery and reproductive defects.

The CPSIA permanently banned toys containing three phthalates and set temporary limits on three others, while tests continue. No toy or childcare article can contain more than 1000ppm of each of the six phthalates.

This year, we found two toys that laboratory testing showed to contain 42,000 ppm and 77,000 ppm levels of phthalates. These products exceed limits allowed by the CPSIA by 42 and 77 times, respectively.

Choking Hazards

Choking on small toy parts, on small balls, on marbles and balloons continues to be the major cause of toy-related deaths and injuries. Between 1990 and 2009, over 200 children died from a choking incident.*

This year we found several toys that violated CPSC's small parts for toys standard intended for children less than 3 years old. We also found "near small part" toys that – while not in violation of current regulations -- support our call for the small parts test to be made less permissive. Finally, we found toys intended for older children that failed to provide choking hazards warnings required for small parts or small balls.

Noisy Toys

Research has shown a third of Americans with hearing loss can attribute it in part to noise.[3] The third National Health and Nutrition Examination Survey showed one in five U.S. children will have some degree of hearing loss by the time they reach age 12; this may be in part due to many children using toys and other children's products that emit loud sounds such as music players.[4] The National Institute on Deafness and other Communication Disorders advises that prolonged exposure to noise above 85 decibels will cause gradual hearing loss in any age range.[5]

We found 1 toy on store shelves that exceeded the recommended continuous exposure to 85-decibel limit and 2 close-to-the-ear toys that exceeded the 65 decibel limit when measured with a digital sound level meter.

Recommendations for Policy Makers

- Policy makers must ensure that stepped increases in budget authorizations mandated by the CPSIA for the CPSC, (which increase to $136 million for FY2014) are fully funded in appropriations. Policymakers must also continue vigorous oversight of implementation and enforcement of the new law.

- Manufacturers should be required to provide all hazard and health-impact information to the state and federal government, so agencies can begin to assess the thousands of chemicals currently on the market for which little or inadequate data are available.

- There is overwhelming evidence showing that that the Toxic Substances Control Act is failing our most vulnerable consumers; i.e. pregnant women, babies and children. Policymakers should take steps to ensure the American people are better protected from toxins in the environment.

- Policymakers should reject well-funded special interest efforts to weaken the ability of regulatory agencies to conduct rulemakings or enforce rules designed to protect public health and safety.

* At the time of publication data for 2010 and 2011 were not yet available

For The Consumer Product Safety Commission

- CPSC should review and where necessary expand its definition of a "small part" or "small toy" to include parts and toys that are larger than the current standard, but have been shown to pose a choking hazard to children.

- The CPSC should continue to proceed with mandatory rulemaking to regulate cadmium limits in children's jewelry.

- The CPSC should vigorously enforce lead and phthalate limits in toys; CPSC should move to using the lead standards recommended by the American Academy of Pediatrics of 40ppm.

- CPSC must ensure that new third-party testing programs meet CPSIA standards. As the CPSC continues to implement its new publicly accessible toy and other product incident database at www.saferproducts.gov , it must make sure that it provides the information consumers need to make informed choices in the marketplace.

For Consumers

Be vigilant this holiday season, and remember:

- The CPSC does not test all toys, and not all toys on store shelves meet CPSC standards.

  There is no comprehensive list of potentially hazardous toys. Examine toys carefully for potential dangers before you make a purchase. Shop with our Toy Safety Tips, available at www.toysafety.mobi and in the leaflet available on our website.

  Parents should continue to be vigilant about metals in toys as they may contain lead or cadmium above the mandatory safety limits. The Centers for Disease Control (CDC) recommends that all children be screened for exposure to lead. A simple and inexpensive blood test can determine whether or not a child has a dangerous level of lead in his or her body. The test can be obtained through a physician, or public health agency.

- Report unsafe toys or toy-related injuries to the CPSC at www.cpsc.gov and to www.saferproducts.gov or call the CPSC at 1-800-504-7923

Introduction

Toys should entertain and educate children, but poorly designed and constructed toys can cause injury and even death. According to data from the Consumer Product Safety Commission (CPSC), at least 12 children, all under the age of 15 years old, died in 2009 from toy-related injuries. More than 250,000 children were treated in emergency rooms for injuries related to toys in 2009.*

We campaigned in Congress to pass the Consumer Product Safety Improvement Act (CPSIA), which was passed in August 2008. The CPSIA was the first major overhaul of the CPSC since the early 1970's. The CPSIA expanded the CPSC budget, gave it explicit tools to hold toy manufacturers accountable and speed-up recalls, and moved toward banning certain toxic chemicals in toys and children's products. The act also greatly improved import surveillance, which is vital, since America imports toys from all over the world and from countries where consumer safety regulations and public health standards are not as rigorous as ours.

In 2007, children's product recalls reached an all-time high with 231 recalls of 46 million toys and other children's articles.[6] Twelve of the recalls involved more than one million units, causing the media and Consumer Reports to dub 2007 the "Year of the Recall." Popular toy manufacturers, such as Mattel, were forced to recall millions of units due to violations of existing limits on lead or dangerous small parts.

Over the past three years, provisions of the CPSIA have begun to take effect. The law's restrictions on the toxic lead and phthalates began to take effect in February 2009. Additionally, part of the ground breaking legislation required a new consumer complaints website be set up; www.saferproducts.gov went live in March 2011. This website is an invaluable resource to parents and caregivers as it allows them to provide incident reports affecting their own families or to review incidents involving thousands of toys and other products that may be hazardous. A report by Kids in Danger reviewing the first four months since the website's launch found a significant portion of the complaints about children's products were for previously-recalled products with the injury occurring after the product was recalled.[7]

We are committed to safeguarding America's youngest consumers. Our 26th report comes at a time when toy and product safety is being threatened by potential rollbacks to consumer safety regulations. The saferproducts.gov database faces legal, as well as political assaults.[8] Further, policymakers are considering even broader proposals that may eat away at our consumer and public health safety standards. While recent amendments to the CPSC were generally narrow, and enacted on a bi-partisan basis, these further regulatory threats remain.

This report is a continued progress report on the implementation of the Consumer Product Safety Improvement Act and an examination of the marketplace and recalls for common hazards.

* At the time of publication 2010 and 2011 data was not available.

Toxins in Children's Products

Industrial chemicals and toxins have been incorporated into millions of products that are used every day and are added by industrial pollutants in the air, pesticide residues in foods, heavy metals in drinking water and to chemicals in toys. On any given day, people are exposed to a wide array of chemicals and toxins either sold by or are byproducts of the $1.5 trillion global chemicals industry. Since 1999, CDC has measured 219 chemicals in people's blood or urine through their biomonitoring project. In toys the leading toxins that can be found and are harmful to children are lead, cadmium and phthalates.[9]

Lead in Children's Products

Lead is a toxic substance and was banned in house paint, in products marketed to children, and in dishes or cookware in the United States in 1978.[10] Children are more vulnerable to lead exposure than adults, since babies and toddlers constantly put their hands and toys in their mouths. Lead is invisible to the naked eye and has no smell, but it can cause IQ deficits, attention deficit hyperactivity disorder and deficits in vocabulary, fine motor skills, reaction time, and hand-eye coordination. Practically all children in the United States are at some point in their lives exposed to lead. At high levels, lead can cause permanent brain damage and death.[11]

Lead in Toys

Lead is widely used in other countries and can be found on imported toys. It is used in plastics to soften plastic and makes it more flexible. This use of lead has not been banned as yet. In plastic toys it stabilize molecules from heat, but when the plastic is exposed to sunlight, air, and detergents, the chemical bond between the lead and plastics breaks down and forms a dust, which children can inhale. A common source in toys is lead paint. Children eat or swallow chips of paint, which increases their risk of exposure to lead. Lead can also be found in jewelry, metal toys and even books and lunch bags.[12]

To reduce these risks, the CPSC issues recalls of toys that could potentially expose children to lead. In 2007 and 2008 iconic toys like Curious George and Thomas the Tank Engine were recalled. This year over 26,000 lapel pins from the popular Build a Bear were recalled as CPSC has recalled almost 200,000 units of toys for lead.[13]

Federal Standards for Lead

Under the Consumer Product Safety Act, and since the 1970s, regulations had banned paint containing lead in concentrations of greater than 600 parts per million.[14] Prior to enactment of the CSPIA in 2008, the Federal Hazardous Substances Act enabled CPSC to consider products, such as metal jewelry, as "hazardous substances" if they contained toxic quantities of lead.[15] The quantity of lead must have been sufficient to cause illness as a result of handling or use, including ingestion.

The Consumer Product Safety Improvement Act of 2008 as modified by 2011 amendments[16] sets the following phase-out schedule for lead in toys and children's products:

- **February 2009:** Toys and children's products containing lead in excess of **600 parts per million (ppm)** became banned hazardous substances. Af-

ter this date, these products cannot be manufactured, imported for sale or sold.

- **August 2009:** The maximum allowable amount of lead in paint and surface coatings decreased from **600 ppm to 90 ppm**. After this date, these products cannot be manufactured, imported for sale or sold.

- **August 2009:** Toys and children's products containing lead in excess of **300 ppm** became banned hazardous substances. After this date, these products cannot be manufactured, imported for sale or sold.

- **August 14th 2011:** Toys and children's products containing lead in excess of **100 ppm** are now a banned hazardous substances. These products cannot be manufactured or imported for sale. However, existing inventories that meet the 300ppm standard can be sold.

This final limit does not meet the recommendations made by the American Academy of Pediatrics (AAP). They recommend all products intended for use by children contain no more than trace amounts of lead. The (AAP) defines a "trace" amount of lead as no more than **40 ppm**, which is the upper range of lead in uncontaminated soil.[17]

Findings: Lead

Our analysis of recalls and other regulatory actions between October 2010 and November 2011 showed that nearly 200,000 toys this year alone were recalled, because lead content in the toy exceeded federal limits.

This year, we found 2 toys whose lead levels exceeded the 300ppm lead standard and, in fact, exceeded the old 600ppm standard. One of these was a toddler plastic book that babies and toddlers could use as a teething instrument. We also found a third toy that exceeded the prospective 100ppm lead standard. We found several other toys with lead content ranging from 74-100 ppm. Although these toys meet current and future federal standards, they do exceed the U.S. PIRG-backed American Academy of Pediatrics recommended limit of 40 ppm[18].

Recommendations: Lead

Lead-tainted children's products should never end up on store shelves or in the home. The CPSC should continue to vigorously enforce the CPSIA's bans on lead and lead paint in any toys, jewelry or other articles for children under 12 years.

Phthalates in Children's Products

The polyvinyl chloride (PVC) plastic industry uses large amounts of phthalates as additives to improve the flexibility of products, such as home siding, flooring, furniture, food packaging, toys, clothing, car interiors, and medical equipment, including IV bags. Phthalates are also used in personal care products such as soap, shampoo, deodorant, hand lotion, nail polish, cosmetics, and perfume, as well as industrial products like solvents, lubricants, glue, paint, sealants, insecticides, detergent, and ink.[19]

Phthalates are pervasive in the environment and in human bodies. In 2000, the Centers for Disease Control and Prevention (CDC) found high levels of phthalates and their transformation products (known as metabolites) in every one of 289 adult Americans tested, including women of childbearing age.[20] A larger CDC study in 2003 again found high levels of phthalates in almost every person tested.[21]

Phthalate Exposure Linked to Health Effects

U.S. EPA studies show the cumulative impact of different phthalates leads to an exponential increase in associated harm. According to data from the U.S. Centers for Disease Control and Prevention (CDC), levels

of phthalates found in humans are higher than levels shown to cause adverse health effects. The data also show phthalate levels are highest in children. Research has documented the potential health effects of exposure to phthalates in the womb or at crucial stages of development, including (but not limited to):

Reproductive Defects. Scientists have demonstrated links between exposure to phthalates in the womb with abnormal genital development in baby boys and disruption in sexual development.[22]

Premature Delivery. A study published in November 2003 suggests a link between exposure to phthalates and pre-term birth.[23]

Early Onset Puberty. One study found levels of DEHP were seven times higher in girls that had signs of early onset puberty.[24]

Lower Sperm Counts. A 2003 showed men who had monobutyl or monobenzyl phthalate in their urine tended to have lower sperm counts, with the highest concentrations leading to the lowest sperm counts.[25]

Federal standards for Phthalates

As a result of pressure from health groups, Congress agreed to ban three phthalates. Effective February 10, 2009, Section 108 of CPSIA banned DEHP, DBP and BBP at levels greater than 1000 ppm. The law also established an interim ban on three other phthalates, DINP, DIDP and DNOP, in toys and children's articles. In August 2011, Congress modified the bans slightly to provide an exception for inaccessible parts.

The interim ban on DINP, DIDP and DNOP continues, while a scientific review is completed by a Chronic Hazard Advisory Panel. The panel has 18 months to complete its review and a final report will be due to CPSC in 2012.[26]

States dissatisfied with the insufficient federal protections that are in place have enacted stronger regulations. Washington, Vermont and California have more broadly restricted phthalate use in toys and childcare products.[27]

Finding: Phthalates

This year, we found two toys that laboratory testing showed to contain levels of phthalates that exceed limits allowed by the CPSIA. The law provides for a maximum of 1000ppm per banned phthalate; `the toys contained, respectively, 42,000ppm (DIBP) and 77,000ppm (DEHP) of a banned phthalates.

Recommendations: Phthalates

CPSC should vigorously enforce the CPSIA's ban on the use of phthalates in all toys and children's products that are "physically exposed" to a child and continue to monitor use of phthalates in components of children's toys and products. The interim ban on DINP, DNOP, DIDP should also be made permanent.

Cadmium in Children's Products

Cadmium is a heavy metal that many analysts believe has replaced lead as a "go-to" additive in children's jewelry. The U.S. toy jewelry industry saw 6 recalls in 2010, because of the unacceptably high levels of cadmium in their products. Consumer groups also took retailers and suppliers of children's jewelry and toy jewelry to court on setting strict limits on cadmium.[28] After the CPSC warned that it would proceed with mandatory rulemakings on cadmium levels in children's jewelry and children's toy jewelry,[29] the U.S. jewelry industry, in cooperation with the testing body ASTM International, issued a statement this November on its new voluntary cadmium standard.

Our investigator bought several items of toy jewelry and an outside lab tested them for cadmium. We did not find any toys or jewelry that exceeded the voluntary limits for cadmium.

Cadmium, like lead, is a metal that occurs naturally in soil, water, air, and dust. It does not have a smell, which makes it difficult to identify. Most humans are exposed to low doses of cadmium and feel or see no effects. However if the body is exposed to high levels of the metal over time it can cause bone pain, and fractures. Cadmium is a known carcinogen that, like lead, can delay brain development in young children, leading to learning disabilities. Research also shows that long-term exposure can cause cancer and kidney problems.[30] It is common for young children to mouth and bite toys and jewelry and these habits expose children to higher doses of cadmium.

A recent study showed that young children who mouth or swallow jewelry containing cadmium may be exposed to 100 times the recommended maximum exposure limit for the toxic metal. The study also measured bioavailability, or how much cadmium leached out of jewelry, and found that damaged pieces of jewelry in some cases leached up to 30 times more cadmium than undamaged pieces.[31]

Federal Standards for Cadmium

Until recently there were no strict federal standards or regulations for cadmium in children's toys and products. In January 2010 an article by the Associated Press had shown there were dangerously high levels of cadmium in children's jewelry.[32] There were five recalls of children's jewelry containing cadmium over the past 2 years, which resulted in the following actions:

- The non-profit Center for Environmental Health (CEH) initiated legal action on February 2010 against 26 retailers including The Gap and Target for selling products with high levels of cadmium. The legal action was successful and on September 2nd, 2011 all the retailers agreed in a settlement to only sell products that have less than 0.03% (300ppm) cadmium in jewelry and children's toy jewelry.[33]

- States have begun enacting laws to protect their citizens against cadmium. California, Connecticut, Illinois, Maryland and Minnesota are among the states that have enacted laws that regulate the total content of cadmium in certain children's toys and articles. Other state laws are pending.[34]

- In a statement on September 6th, 2011 Chairman Inez Tenenbaum of the CPSC declared that CPSC would proceed with mandatory rulemakings to regulate cadmium levels in children's jewelry and toy jewelry using the standards stipulated in the legal action taken by CEH unless the jewelry industry cooperated with the standards body ASTM International to publish new and improved voluntary standards within three months of that date.[35] On the same day CPSC took a preliminary vote toward beginning rulemaking action.

- In response on November 1, 2011 the ASTM F 15.24 Subcommittee on Children's Jewelry approved a voluntary standard at 300ppm with cadmium levels in toy jewelry to be determined through a solubility test for heavy metals that is defined in the ASTM F-963 standards for toys.

Consumer groups prefer the state laws and CEH settlement to the ASTM voluntary standard, because most of the state laws have stronger "total content" limits for cadmium instead of solubility tests. When they use solubility tests (Minnesota and Illinois), they use a more stringent 75ppm standard rather than the ASTM voluntary solubility standard of 300ppm.[36]

Recommendations for Cadmium:

CPSC should continue to move forward with mandatory guidelines for limits for cadmium in children's jewelry and toy jewelry.

Choking Hazards

CPSC Bans Small Parts for Children Under Age 3

In 1979, CPSC banned the sale of toys containing small parts if they are intended for use by children under the age of three, regardless of age labeling. A small part is defined as anything that fits inside a choke test cylinder, which has an interior diameter of 1.25 inches and a slanted bottom with a depth ranging from 1 to 2.25 inches (Figure A). This cylinder is designed to the approximate size of a fully expanded throat of a child under three years old. If the toy or part of the toy – including any parts that separate during "use and abuse" testing – fits inside the test tube, the product is a choking hazard and is banned for children under the age of three. In 1994, the Child Safety Protection Act established a more protective standard for small balls in children's toys.

CPSC uses three factors to determine whether a toy is intended for children under three years old, including the manufacturer's stated intent, the age labeling; the advertising and marketing of the product; and if the toy is "commonly recognized" as being intended for a child under three years old.[37] Some items commonly recognized for children under three include squeeze toys; teether toys or articles that are affixed to a crib, stroller, playpen, or baby carriage; pull and push toys; bathtub, wading pool and sand toys; and stuffed animals.[38]

Balloons, articles made of paper, writing materials such as crayons and chalk, modeling clay, and finger paints, watercolors and other paint sets are exempt from this small parts regulation, because they cannot be manufactured in a way that would prevent them from breaking into small parts when subjected to use and abuse

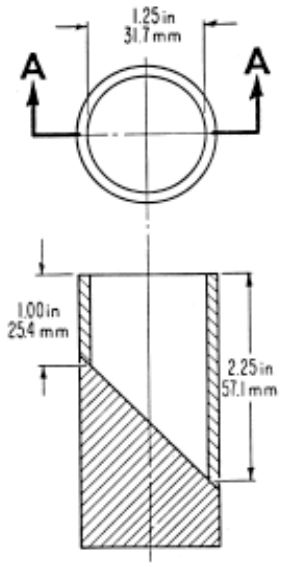


Figure A. Choke Test Cylinder

testing. Children's clothing and accessories such as shoe lace holders, diaper pins, and barrettes also are exempt, because they need to be small to perform their intended purpose.[39]

Fabric, yarn, fuzz, elastic, and string that fit in the choke test cylinder also are exempt, as they are unlikely to pose a choking hazard.[40]

Labels for Toys with Small Parts for Children Over Age 3

CPSC's 1979 regulations were not entirely effective. Manufacturers attempted to circumvent the small parts ban by labeling products intended for children under three for "ages three and up." Parents misinterpreted these labels as recommendations, rather than warnings, and purchased these toys for children under three. The 1979 regulation also exempted a significant choking hazard, balloons, from warnings or regula-

tions. It also became apparent that, small balls that passed the small parts test could still pose a choking hazard and completely block a child's airway.

Throughout the 1980s, consumer groups lobbied Congress and CPSC to increase the size of the small parts test and to require an explicit choke hazard warning on toys intended for older children, if the toys contained banned small parts. A 1992 campaign led by ConnPIRG and other child safety advocates resulted in a tough choke hazard warning label law that took effect in Connecticut on January 1, 1993. The Connecticut law laid the foundation for a federal standard, and in 1994, Congress passed the Child Safety Protection Act of 1994. President Clinton signed the CSPA into law on June 16, 1994.

Yet, despite the strong law, choke hazards still can be found on store shelves. On October 14th 2011 the Henry Gordy firm was fined $1.1 million for failure to report a choking hazard of small pliable plastic darts from a dart gun resulting in the deaths of four children. Henry Gordy, according to the CPSC, knew about the defect in spring of 2006, didn't report it, but redesigned the toy after it had learned of an 8-year-old choking to death on a toy dart. Almost two years after 2 more deaths of a 9 and 10 year old in 2007, Henry Gordy finally reported the hazard to the CPSC in May 2009 while withholding the information about the first death and redesign. Finally, in May 2010 a recall was issued by CPSC of 1.8 million toy sets after Henry Gordy refused to issue the recall, unfortunately a week after the recall another child choked to death on the dart.[41]

Small Parts

The 1994 CSPA requires that toys with small parts intended for children between the ages of three and six years old include the following explicit choke hazard warning:[42]

WARNING:

CHOKING HAZARD--Small parts
Not for children under 3 yrs.

Small Balls

The 1994 CSPA strengthened the test for small balls from 1.25 inches in diameter to 1.75 inches. Balls with a diameter smaller than 1.75 inches are banned for children under three years old.[43] The law defines a ball as "any spherical, ovoid, or ellipsoidal object designed or intended to be thrown, hit, kicked, rolled, dropped, or bounced." In addition, the term "ball" includes any multisided object formed by connecting planes into a generally spherical ovoid, or ellipsoidal shape that is designated or intended to be used as a ball.[44] According to this definition, toys that are spherical or have spherical parts, but are not intended for use as a ball do not have to meet this test.

Round objects are more likely to choke children, because they can completely block a child's airway. Any small ball intended for children over the age of three must include the following warning:[45]

WARNING:

CHOKING HAZARD--This toy is a small ball.
Not for children under 3 yrs.

Any toy or game containing a small ball and intended for children between ages three and eight must include the following warning:

WARNING:

CHOKING HAZARD--Toy contains a small ball.
Not for children under 3 yrs.

Balloons

Balloons pose a grave choking hazard to children, causing more choking deaths than any other children's product. Almost half (40 percent) of the choking fatalities reported to the CPSC between 1990 and 2009 involved balloons. The1994 law requires the following choke hazard warning on all balloons:[46]

WARNING:

CHOKING HAZARD--Children under 8 yrs. can choke or suffocate on uninflated or broken balloons. Adult supervision required.

Keep uninflated balloons from children. Discard broken balloons at once.

Marbles

Any marble or toy containing a marble that is intended for children three years of age or older must bear the following cautionary statement on its packaging:[47]

WARNING:

CHOKING HAZARD--This toy is a marble. Not for children under 3 yrs.

Bins and Vending Machines

Finally, the CSPA requires choke hazard labels on bins and vending machines. If toys or small balls requiring labels are sold in vending machines or unpackaged in bins, these vending machines and bins must display the statutory warnings.[48] We found toys in stores where the bins were not properly labeled especially in dollar stores and specialty toy stores

Findings: Choking Hazards

Our shoppers surveying toy stores in the fall of 2011 identified the following trends:

Most Toys are Safe and Properly Labeled

Overall, manufacturers and toy retailers are doing a good job of marketing and labeling small balls, balloons, small toys and toys with small parts, and ensuring the bin in which the toy is sold or the toy packaging is labeled with the required choke hazard warning. However toys can still be found without labels or improper labels, especially bin toys or dollar store toys.

Some Toys May Not Meet CSPC Requirements

The law bans small parts in toys for children under three and requires a warning label on toys with small parts for children between the ages of three and six. Our researchers, however, still found toys intended for children under three with small parts. Our researchers also found toys with small parts for children under six without the statutory choke hazard warning.

Near-Small Parts May Pose Choking Hazards

In September 2006, CPSC and Playskool voluntarily recalled about 255,000 Team Talkin' Tool Bench toys following the deaths of two young children. A 19-month-old West Virginia boy and a 2-year-old Texas boy suffocated when oversized, plastic toy nails sold with the tool bench toys became forcefully lodged in their throats.[49]

The toy was labeled for children three and older, but did not include a choke hazard warning; the toy nails in question, measuring three inches in height, passed the small parts test. This tragic incident is a reminder that some toys may pose a choking or suffocation hazard even if they pass the small parts test. In August 2009, the CPSC announced the recall of a variety of Little Tikes Children's Workshop toys totaling over 1.6 million units following an incident in which a little boy was hospitalized after choking on an over-sized plastic nail, but made a full recovery.[50]

In 2009, we were notified by a Washington DC parent of a toy with a peg that a one-year old choked on. The toy – "Baby's First Train" was labeled for ages 1 and up. The part in question extends just 1 cm outside the choke tube.

In particular, toys shaped like corks or pegs or with spherical, hemispherical, or circular flared ends and at-

tached to a shaft, like the toy nails that caused the two suffocation deaths, could pose particular hazards, even if they pass the small parts test. To "address a potential impaction hazard," the Standard Consumer Safety Specification for Toy Safety had previously laid out requirements only for toys with spherical ends that are intended for children under 18 months.[51] The latest version of this standard, which is enforceable by the CPSC, contains a new, improved requirement for toys posing these hazards intended for children up to 48 months.

Our researchers found toys that contain "near small parts." These are toys that narrowly pass the choke tube test but suggest the need to make the test less restrictive.

Balloons Are Marketed to Young Children

The 1994 CSPA requires all balloons include a choke hazard warning alerting parents to the dangers of balloons and broken balloons for children under eight. We found balloons in stores that were marketed to children under eight. We found balloons marketed specifically to toddlers (e.g., "Baby's First Birthday") and balloons depicting characters appealing to younger children (e.g., "Curious George" or "Bob the Builder"). Manufacturers and retailers should stop producing and selling balloons aimed at children under eight years old.

Recommendations

We call on CPSC to:

- Enlarge the small parts test tube to be more protective of children under three.
- Consider extending the standard for toys with spherical ends to apply to toys intended for children under six years old instead of under 48 months. Also, consider special labeling for toys shaped like the toy nails that caused two children to suffocate.
- Change the small-ball rule to include small round or semi-round objects, not just "balls" in the strictest definition. A rounded toy apple poses similar hazards to a round ball.
- Discourage manufacturers from over-labeling their products with choke hazard warnings, as this could reduce the effectiveness of labels on products that pose a serious choking hazard.
- Discourage marketing of balloons to children under eight years for age.

Excessively Loud Toys

Between one-quarter and one-third of Americans with hearing loss can attribute it, at least in part, to noise.[52] Children are especially vulnerable to noise-induced hearing loss, which often happens gradually and without pain, from over-exposure to loud noises.[53] Almost 15 percent of children ages 6 to 17 show signs of hearing loss.[54] Noise-induced hearing loss can be caused by a one-time exposure to loud sound as well as by repeated exposure to sounds at various loudness levels over an extended period of time.[55]

The Occupational Safety and Health Administration reports prolonged exposure to sounds at 85 decibels (dB) or higher can result in hearing damage. The American Academy of Pediatrics and the National Campaign for Hearing Health use 85 decibels as a threshold for dangerous levels of noise.[56]

The symptoms of noise-induced hearing loss increase gradually over a period of continuous exposure. Sounds may become distorted or muffled, and it may be difficult for the person to understand speech. Even minor hearing loss in children can affect their ability to speak and understand language at a critical time in their development.

The following are the accepted standards for recommended permissible exposure time before hearing damage can occur. For every three decibels over 85 decibels, the permissible exposure time before possible damage is cut in half.[57]

Decibel Exposure Time Before Hearing Damage Can Occur[58]

Continuous dB	Permissible Exposure Time
85 dB	8 hours
88 dB	4 hours
91 dB	2 hours
94 dB	1 hour
97 dB	30 minutes
100 dB	15 minutes
103 dB	7.5 minutes
106 dB	< 4 minutes
109 dB	< 2 minutes
112 dB	1 minute
115 dB	30 seconds

Standards for Loud Toys

In 2008, ASTM finalized new specifications that are an improvement on the ASTM 2003 standards for sound-producing toys; CPSC has the authority to enforce the ASTM voluntary standards and exercises authority at its discretion. These standards include the following:[59]

- Hand-held, tabletop, floor, and crib toys should not produce continuous sound that exceeds 85dB when measured from 25 centimeters (about 10 inches).

- Close-to-the-ear toys should not produce continuous sound that exceeds 65 dB when measured from 2.5 centimeters (about 1 inch).

- Toys with impact-type impulsive sounds should not produce a peak sound in excess of 115 dB when measured from 25 centimeters.

- Toys with explosive-type sounds should not produce a peak sound in excess of 125 dB when measured from 25 centimeters.

These standards, while a solid step in the right direction, nonetheless may not prevent loud toys from harming children's hearing. The sound limits are too high, since exposure to sounds at 85-90 decibels over two hours and sounds at 120 decibels over just 30 seconds can cause hearing loss. Furthermore these standards are voluntary, not mandatory, placing children at continued risk. As with other ASTM voluntary standards, CPSC has enforcement authority and exercises that authority at its discretion. Finally, the standards are based on peak sound pressure levels measured from a distance of 25 centimeters. Children often play with toys at a much closer distance than 25 centimeters—even holding a toy up to their ears—and therefore could experience the noise at a more powerful level. [60] This is especially important for toy cell phones, earphones and musical toys.

Toy Survey Findings: Loud Toys

We measured the loudness of several toys, using a hand held digital sound level meter taking the readings from 25 centimeters to determine the range of noise to which a child playing with a toy could be exposed. We found 3 toys that failed to meet the ASTM standards for loud toys. We found one toy car (a "floor" toy) that exceeded the 85 decibels limit when measured at testing distances. We also purchased two close-to-the-ear toys—a toy cell phone and headphone intended for young children: both tested at greater than 65 decibels.

Recommendations: Loud Toys

To protect children from loud toys, we offer the following advice for parents:

- If a toy seems too loud for you, then it is probably too loud for your child.

- Put tape over the speakers of toys you already own that are too loud or remove the batteries.

- Report a loud toy to the CPSC website, www.saferproducts.gov.

CPSC should:

- Enforce the new ASTM sound standards to the fullest extent.

Strangulation Hazards

In 2011, we did not identify any strangulation hazards in our findings. Strangulation from children's products has been on the decline since CPSC guidelines in the late 1990s. However hazards still exist in children's drawn string clothing, corded baby monitors, cords from blinds and beaded curtains and CPSC continues to take action. 2011recall data shows there were over 15 recalls of toys and children's products and over 2 million toys were taken off the market for being a potential strangulation hazards.

Drawstrings - Clothing

Drawstrings on children's clothing lead to deaths and injuries when they catch on playground equipment, bus doors, or cribs.[61] From January 1985 through June 1997, CPSC received reports of 21 deaths and 43 incidents involving drawstrings on children's upper outerwear.[62] In February 1996, CPSC issued guidelines to prevent these injuries, which ASTM adopted as a voluntary standard in June 1997.[63] The standard has resulted in a marked decrease in fatalities and incidents, and CPSC routinely recalls products.

CPSC recommends parents remove drawstrings from all children's upper outerwear sized 2T to 12 and buy clothing with alternative closures, like snaps, buttons, and Velcro.[64]

In May 2006, CPSC sent a letter to manufacturers and retailers of children's upper outerwear, urging them to check all clothing sold in the U.S. complies with the voluntary safety standard.[65] The letter stated CPSC "considers children's upper outerwear with drawstrings at the hood or neck area to be defective" and subject to recall.

Our analysis of 2011 recall data and enforcement actions shows that more than 40,000 articles of children's clothing have been recalled because of this hazard. One such example is the December 2009 and subsequent March 2011 recall totaling 15,000 Sunsations hooded sweatshirts. The clothing maker has agreed to a $60,000 civil penalty due to a knowing failure to report drawstrings as a strangulation hazard.[66]

Other Strangulation Hazards

In February 2011, 1.7 million infant monitors with cords were recalled prompted by two strangulation deaths and two near strangulations of infants[67]. Other strangulation hazards that have been recalled in the past year include Beaded curtains and jogging strollers.

Methodology

Testing of toys and other children's products for lead, cadmium and phthalates: We purchased toys and children's jewelry from major retailers and dollar stores. We sent these items to STAT Analysis Corporation in Chicago, a laboratory accredited by the Illinois Environmental Protection Agency in accordance with the National Environmental Laboratory Accreditation Program, for testing.

For lead and cadmium testing STAT Analysis tested for heavy metals using EPA Method SW 6020 (Inductively Coupled Plasma-Mass Spectrometry) to determine the quantity of the toxin in each item.[68]

For phthalates STAT Analysis followed standard procedures, using EPA Method 8270C.

Choking hazards: We categorized toys as a potential choking hazard if a) a toy labeled for children under three contains small parts or breaks easily into small parts;* b) a toy contains small parts or small balls, but is intended for children under three, regardless of age labeling if any; c) a toy contains small parts or small balls, is intended for children over three, but lacks the statutory choke hazard warning; or d) the toy is intended for children under six, lacks the statutory choke hazard warning and appears to fail the "use and abuse" test, breaking easily into small parts that fit in the choke tube.

Noise Toys: We measured the loudness of toys, taking the readings from 25 centimeters (9.84 inches), 10 centimeters (3.94 inches) and 1 centimeter (.39 inches) to determine the range of noise a child playing with a toy could be exposed to.

* If a toy broke into small parts with little effort or force, we assumed that the toy may not comply with CPSC use and abuse testing procedures.

Attachment A: 2010 Summary of Toy Hazards and Examples of Potentially Dangerous Toys

Potentially Toxic Toys: Lead and Other Toxic Chemicals

Standards

The Consumer Product Safety Improvement Act of 2008 bans lead in toys and children's products on a phase-out schedule outlined below. After the effective dates, these products cannot be manufactured, imported for sale or sold.

- **February 2009**: Toys and children's products containing lead in excess of **600 parts per million (ppm)** became banned hazardous substances.
- **August 2009:** The maximum allowable amount of lead in paint decreased from **600 ppm to 90 ppm**.
- **August 2009:** Toys and children's products containing lead in excess of **300 parts per million (ppm)** became banned hazardous substances.
- **August 2011**: Toys and children's products containing lead in excess of **100 parts per million (ppm)** which were manufactured after August 14th, 2011 become banned hazardous substances.

The CPSIA includes a ban on childcare products and children's toys containing the phthalates DEHP, DBP, and BBP in concentrations higher than 0.1% per phthalate (1,000 ppm), and on childcare products and children's toys that can be put in a child's mouth containing the phthalates DINP, DnOP, and DIDP in concentrations higher than 0.1% per phthalate (1,000 ppm).

Potentially Toxic Toys: Lead and Phthalates

Potentially Toxic Toys: Phthalates

Funny Glasses

Mfg (if any): Joking Around
Age label (if any)
Item # (if any) Price Paid: $0.99

Test Results: **42,000 mg/kg (ppm) diisobutyl phthalate. Exceeds 1000 ppm of banned phthalate standard.**

Potentially Toxic Toys: Phthalates

Sleep Mask

Mfg (if any): Claire's
Age label (if any)
Item # (if any) Price Paid: $5.51

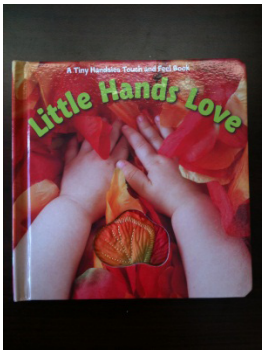
Test Results: **77,000 mg/kg (ppm) bis(2-ethylhexyl) phthalates. Exceeds 1000 ppm of banned phthalate standard.**

Potentially Toxic Toys: Lead

Little Hands Love Book

Mfg (if any): Piggy Toes Press
Age label (if any)
Item # (if any) Price Paid: $7.95

Test Results: **720 mg/kg (ppm) lead. Exceeds current CPSC lead standard (300ppm)**



Potentially Toxic Toys: Lead

Whirly Wheel

Mfg (if any): LL
Age label (if any)
Item # (if any) Price Paid: $9.99

Test Results: **3700 mg/kg lead. Exceeds current CPSC lead standard (300ppm)**

Potentially Toxic Toys: Lead

Spritz Medals

Mfg (if any): Spritz
Age label (if any)
Item # (if any) Price Paid: $2

Test Results: **140 mg/kg (ppm) lead. Exceeds CPSC's prospective lead standard (100ppm) for toys manufactured after August 14, 2011, but meets current standard (300ppm). Not a current violation.**

Potentially Toxic Toys: Lead

Hello Kitty eyeshadow/keychain

Mfg (if any): Hello Kitty/Sanrio
Age label (if any)
Item # (if any) Price Paid: $5.99

Test Results: **100 mg/kg (ppm) lead. Exactly equals CPSC's prospective lead standard (100ppm) for toys manufactured after August 14, 2011, but meets current standard (300ppm). Not a current violation.**

Potentially Toxic Toys: Lead

Tinkerbell Watch

Mfg (if any): Disney Fairies
Age label (if any)
Item # (if any) Price Paid: $11.99

Test Results: **91 mg/kg (ppm) lead. Contains lead at concentrations greater than U.S. PIRG-supported American Academy of Pediatrics recommended lead limit of 40ppm. Does not exceed either current (300 ppm) or prospective (100ppm) CPSC lead standard. Not in violation.**

Potentially Toxic Toys: Lead

Peace Sign Bracelet

Mfg (if any): Family Dollar
Age label (if any)
Item # (if any) Price Paid: $0.99

Test Results: **74 mg/kg (ppm) lead. Contains lead at concentrations greater than U.S. PIRG-supported American Academy of Pediatrics recommended lead limit of 40ppm. Does not exceed either current (300 ppm) or prospective (100ppm) CPSC lead standard. Not in violation.**

Potentially Toxic Toys: Lead

Honda motorcycle

Mfg (if any): Honda
Age label (if any)
Item # (if any) Price Paid: $5

Test Results: **89 mg/kg (ppm) lead. Contains lead at concentrations greater than U.S. PIRG-supported American Academy of Pediatrics recommended lead limit of 40ppm. Does not exceed either current (300 ppm) or prospective (100ppm) CPSC lead standard. Not in violation.**

Potential Choking Hazards

Standards

Under the Child Safety Protection Act (CSPA) and Consumer Product Safety Commission rules:

- Toys intended for children under 3 are banned if they contain small parts or easily break into pieces that are small parts.
- Toys intended for children between the ages of three and six years old that contain small parts must include an explicit choke hazard warning with precise statutory language.
- Any small ball or toy that contains a small ball must meet a stricter safety test and include an explicit choke hazard warning.
- Marbles or toy with marbles must include an explicit choke hazard warning.
- All balloons must include a warning about the dangers of uninflected or broken balloons to children younger than 8 years of age.

Potential Choking Hazards: Small Parts and Balls, Near Small Parts, Warning Label Violations

Potential Choking Hazards: Small Parts

Wooden blocks set

Mfg (if any): ToySmith
Age label (if any)
Item # (if any) NA Price Paid: $6.53

Test Results: **Several blocks fit in small parts test tube. Choking hazard, has play value for children < 3, contains small parts**

Potential Choking Hazards: Small Parts

Sesame St. Doll Oscar

Mfg (if any): Sesame Workshop
Age label (if any)
Item # (if any) 28399753703 Price Paid: $6.99

Test Results: **doll hat (garbage can lid) comes off easily, fits in small parts test tube. Choking hazard, has play value for children < 3 , hat breaks off easily, is small part.**

Potential Choking Hazards: Near Small Parts

Dinosaur multi pack (pictured), similar sea life and turtles packs

Mfg (if any): Distributed by Greenbrier International, Inc.
Age label (if any) 5+
Item # (if any) 639277752154 (dino) , 639277864109 (sea life and turtles) Price Paid: $1

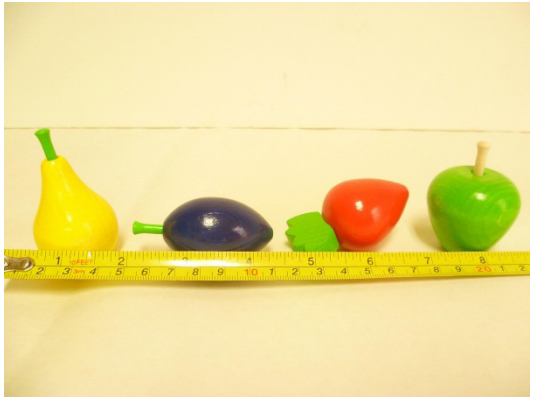
Test Results: **Near small parts. Toys contain "near" small parts. No violation, but show need to increase size of tester.**

Potential Choking Hazards: Near Small Parts

HABA fruit in a bag

Mfg (if any): HABA
Age label (if any) 3+
Item # (if any) 39078 Price Paid: $19.99

Test Results: **Near small part. Toys contain "near" small parts. No violation, but show need to increase size of tester.**



Potential Choking Hazard: Small Parts/No Warning Label

Green rubber grape

Mfg (if any): iwako
Age label (if any)
Item # (if any) 4991685941190 Price Paid: $1.99

Test Results: **Fits in tester, small part. Choking hazard, has play value for children 3-6; but is missing required choke hazard warning label.**

Potential Choking Hazard: Small Parts/ No Warning Label

Orange bear

Mfg (if any): 4M2U
Age label (if any)
Item # (if any) 00-00709 Price Paid: $0.99

Test Results: **Fits in tester, small part. Choking hazard, has play value for children 3-6; but is missing required choke hazard warning label.**

Potential Choking Hazard: Small Parts/ No Warning Label

Flat baby blocks and square counting blocks

Mfg (if any): Distributed by Greenbrier International, Inc.
Age label (if any) 3+
Item # (if any) 639277651204 and 639277903372
Price Paid: $1

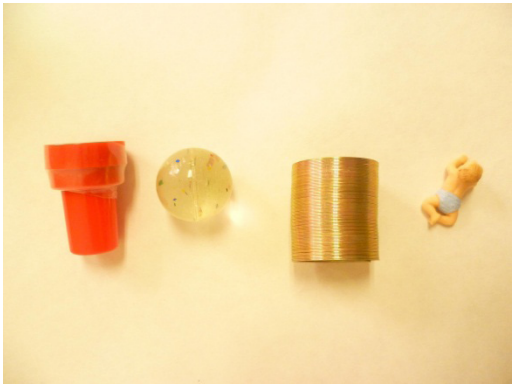
Test Results: **Fits in tester, small part. Choking hazard, has play value for children 3-6; but is missing required choke hazard warning label.**

Potential Choking Hazard: Small Parts/No Warning Label

4 dollar box items

Mfg (if any): Rhode Island Novelty
Age label (if any)
Item # (if any) NA Price Paid: $

Test Results: **Fits in tester. Choking hazard, has play value for children 3-6; but is missing required choke hazard warning label on bin.**



Potential Choking Hazard: Small Ball

This is an example of a Small Ball Test

Small balls are subject to a more stringent test (shown) than small parts. Small balls for children < 3 cannot fit through this 1.75 inch tester. The small parts choke tube tester pictured in some photos above has a diameter of only 1.25 inches.

Potential Choking Hazard: Small Ball/No Warning Label

Play ball x2

Mfg (if any): Sqishland
Age label (if any)
Item # (if any) NA Price Paid: $0.30

Test Results: **Fits in tester. Choking hazard, toy balls have play value for children 3-6; but package is missing required choke hazard warning label.**

Potential Choking Hazard: Small Ball/No Warning Label

Unlabeled Bin toys (balls and marbles)

Mfg (if any): Unknown
Age label (if any)
Item # (if any) NA Price Paid: varies

Test Results: **Violate small ball/marble test. Warning label violation. Various unpackaged toy balls found with play value for children 3-6. Required small ball warning missing from the bins.**

Potential Choking Hazard: Small Ball/No Warning Label

Ball cross-bow

Mfg (if any):
Age label (if any) 3+
Item # (if any) TY 0152 Price Paid: $1.09

Test Results: **Fits in tester. Choking hazard, toy balls have play value for children 3-6; but package is missing required choke hazard warning label.**

Potential Choking Hazards: Balloons

Potential Choking Hazard: Balloons

Various balloons, especially promoting infant birthdays, iconic toddler characters. Keep all balloons and balloon parts away from children < 8 years.

Mfg (if any):
Age label (if any)
Item # (if any) Price Paid: $

Test Results: **Pieces of burst balloons pose choking hazard. Don't buy balloons for children under 8.**

Potential Noise Hazards

CPSC has the authority to enforce ASTM voluntary standards and exercises authority at its discretion. These standards include the following:

- Hand-held, tabletop, floor, and crib toys should not produce continuous sound that exceeds 85dB when measured from 25 centimeters (about 10 inches).
- Close-to-the-ear toys should not produce continuous sound that exceeds 65 dB when measured from 2.5 centimeters (about 1 inch).
- Toys with impact-type impulsive sounds should not produce a peak sound in excess of 115 dB when measured from 25 centimeters.

Potential Noise Hazard

Elmo's World, Talking Cell Phone

Mfg (if any): Fisher-Price Paid
Age label (if any) 18 months
Item # (if any) 4818890691 Price Paid: $9.99

Test Results: **Tests at 66-74 db at 2.5 cm (1 inch). Excessive noise could damage child's hearing, 1 inch (2.5 cm) is measuring distance for "close-to-the-ear" toys. 65 dB is maximum sound level allowed.**

Potential Noise Hazard

Victorious Stereo Headphones

Mfg (if any): Nickelodeon
Age label (if any)
Item # (if any) 2133160752 Price Paid: $21.98

Test Results: **Tests at 66-72 db at 2.5 cm (1 inch). Excessive noise could damage child's hearing, 1 inch (2.5 cm) is measuring distance for "close-to-the-ear" toys. 65 dB is maximum sound level allowed.**

Potential Noise Hazard

Hotwheels, Super Stunt RAT BOMB

Mfg (if any): Hotwheels
Age label (if any) 3+
Item # (if any) 2675320736 Price Paid: $15.99

Test Results: **Tests at 90-93 db of continuous noise at 25 cm (10 inches). Excessive noise could damage child's hearing. Ten inches (25 cm) is test distance for toys. 85 dB is maximum sound level allowed.**

Attachment B: Toy-Related Deaths, 1990-2010*

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Choking/Asphyxiation											
Balloons	6	3	6	6	6	8	7	6	4	4	1
Balls	2	2	3	6	4	2	0	3	1	4	2
Marbles	0	2	1	0	0	1	0	0	0	0	1
Toy or Toy Part	6	6	1	4	3	1	3	2	3	1	2
Total	**14**	**13**	**11**	**16**	**13**	**12**	**10**	**11**	**8**	**9**	**6**
Riding Toys, Scooters	**4**	**8**	**4**	**5**	**4**	**6**	**2**	**0**	**4**	**4**	**8**
Toy Chests	**4**	**2**	**2**	**1**	**0**	**0**	**0**	**1**	**0**	**1**	**1**
Strangulation	**1**	**1**	**3**	**2**	**0**	**1**	**1**	**0**	**0**	**0**	**0**
Other	**0**	**1**	**2**	**1**	**1**	**2**	**0**	**1**	**2**	**2**	**2**
TOTAL TOY DEATHS	**23**	**25**	**22**	**25**	**18**	**21**	**13**	**13**	**14**	**16**	**17**
% BY CHOKING/ ASPHYXIATION	**61%**	**52%**	**50%**	**64%**	**72%**	**57%**	**77%**	**85%**	**57%**	**56%**	**35%**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Totals
Choking/Asphyxiation											
Balloons	4	3	3	1	2	3	4	2	2	5	86
Balls	1	2	5	4	9	4	4	2	0	3	63
Marbles	0	0	0	0	0	0	0	0	1	0	6
Toy or Toy Part	4	3	2	2	2	6	2	1	0	3	57
Total	**9**	**8**	**10**	**7**	**13**	**13**	**10**	**5**	**3**	**11**	**212**
Riding Toys, Scooters	**13**	**5**	**0**	**6**	**8**	**11**	**8**	**10**	**8**	**1**	**119**
Toy Chests	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**1**	**2**	**18**
Strangulation	**1**	**0**	**0**	**2**	**2**	**0**	**0**	**0**	**1**	**0**	**15**
Other	**1**	**0**	**1**	**1**	**2**	**5**	**4**	**9**	**2**	**3**	**42**
TOTAL TOY DEATHS	**25**	**13**	**11**	**16**	**26**	**29**	**22**	**25**	**15**	**17**	**406**
% BY CHOKING/ ASPHYXIATION	**36%**	**62%**	**91%**	**44%**	**50%**	**45%**	**45%**	**20%**	**20%**	**65%**	**52%**

* Source: U.S. PIRG analysis of annual CPSC Reports on "Toy-Related Deaths and Injuries"

End Notes

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