

Luery, Michael D

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Subject: Brown Issues Warning to Major Retailers Caught Selling Children's Products Containing Excessive Lead

News Release

November 17, 2009

FOR IMMEDIATE RELEASE

Contact: Christine Gasparac or Evan Westrup, (510) 622-4500

Christine.Gasparac@doj.ca.gov or Evan.Westrup@doj.ca.gov

*Shaniya
Davis*

Brown Issues Warning to Major Retailers Caught Selling Children's Products Containing Excessive Lead

Sacramento - Attorney General Edmund G. Brown Jr. sent a letter last week to six major retailers, warning them that a number of children's products on their store shelves were found to contain "illegal levels of lead" and to pull the products from their stores immediately.

"Private testing uncovered a number of products designed for children that contain dangerous and illegal levels of lead," Brown said. "These products must be removed from store shelves at once to protect our kids from toxic lead exposure."

Children are particularly susceptible to the risks of lead exposure, which can damage the nervous system and other organs. Children are exposed by ingesting the lead when they put the products in their mouths, handle them and then touch their mouths, or transfer the lead from the products to food.

According to California's Safe Drinking Water and Toxic Enforcement Act of 1986, any children's product that contains more than 300 parts per million (ppm) of lead is considered a hazardous substance and therefore illegal to sell in the state. The following products were found to contain excessive levels of lead:

- Kids Poncho sold by Walmart, 677 ppm;
- MSY Faded Glory Rebecca Shoes sold by Walmart, 1331 ppm;
- Reversible Croco Belt sold by Target, 4270 ppm;
- Dora the Explorer Activity Tote sold by TJ Maxx, 2348 ppm;
- Paula Fuschia Open-Toed Shoes sold by Sears, 3957 ppm;
- Disney Fairies Silvermist's Water Lily Necklace sold by Walgreens, 22000 ppm;
- Barbie Bike Flair Accessory Kit sold by Tuesday Morning, 6196 ppm.

Brown has also requested that the companies provide his office with results from any of their own tests conducted on the products and report how they plan to ensure that other items do not contain toxic quantities of lead.

Brown has reported the findings to the federal Consumer Product Safety Commission, which could order a recall of the products.

In 2008, Brown's office reached a settlement with several major toy companies over excessive levels of lead in their products. The settlement allocated \$548,000 in funding for consumer safety groups to monitor lead levels in consumer goods and to provide outreach about product recalls. The Center for Environmental Health discovered the current violations with a grant from the Public Health Trust, which administers the settlement fund.

"Based on our testing, it appears there are fewer problem toys on store shelves this year. But parents should know that some children's products still contain high levels of lead," said Michael Green, Executive Director of the Center for Environmental Health. "After all the attention to lead-tainted toys, manufacturers and retailers still need to do more to keep lead out of our kids' hands."

A sample copy of the letter:

November 13, 2009

Dear Retailer:

We just received a report about a children's product purchased in your store in Richmond, California that contains illegal levels of lead. The lead levels reported exceed the limits in the federal Consumer Product Safety Improvement Act ("CPSIA"). Furthermore, selling the product without a proper warning likely violates California's Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65." We are writing to ask that you stop selling the product immediately and take other corrective action as needed.

The children's product is a Cherokee brand reversible "Croco" belt, Style 1139915TG, purchased at your store in Richmond on September 27, 2009. The SKU is 492020800102. Our internal reference number is PHT 082. Please use it in communications with our office about this. We have enclosed photographs of the product.

The item was purchased by an investigator for the Center for Environmental Health, using a grant from a fund administered by the Public Health Institute. The fund was established through a Proposition 65 settlement between our office and several companies over lead in toys. (*People v. Mattel et al.*, Alameda County Super. Ct., Civ. No. RG 07-356892.) After screening the product for lead, the Center for Environmental Health sent a sample to a federally-approved laboratory for further testing. The test results, which are enclosed, indicate 4,270 parts per million ("ppm") lead in the black artificial leather on the front surface of the belt. This exceeds federal lead limits, which deem a children's product with more than 300 ppm lead in an accessible component a "banned hazardous substance." It also appears to violate Proposition 65, which requires a clear and reasonable warning prior to exposing persons to known carcinogens and reproductive toxins, including lead. (Cal. Health & Saf. Code, § 25249.6; Cal. Code Regs., tit. 27, § 27001.)

Lead is a toxic metal that damages the nervous system and other organs. Even at low levels of exposure, lead can impact brain development in children. Based on what appears to be violations of federal and state law, you should stop selling the product immediately. Additionally, please send us any test results you have and any representations from the manufacturer or supplier about the lead content in the product. Please contact us immediately so we can discuss what further actions your company intends to take.

Sincerely,

EDMUND G. BROWN JR.
Attorney General