

FOR IMMEDIATE RELEASE
Tuesday, November 25, 2014

Attorney General New York City Press Office
NYAG.Pressoffice@ag.ny.gov | (212) 416-8060
Department of Consumer Affairs
press@dca.nyc.gov | (212) 436-0042

A.G. Schneiderman Letter Urges Retailers Like Wal-Mart, Target, Amazon And Toys ‘R’ Us To Ensure Safety Of Children’s Toys This Holiday Season

The Attorney General And New York City Department Of Consumer Affairs (DCA) Commissioner Julie Menin Offer Tips To Avoid Hazardous Toys And About Charitable Donations, Online Shopping, And Gift Cards

NEW YORK – Attorney General Eric Schneiderman today issued a letter to retailers across New York State reminding them of their legal obligation to ensure the safety of children’s products ahead of the holiday shopping season. The letter focuses on toys that contain toxic chemicals that present risks to human health. The Attorney General and DCA Commissioner Julie Menin also offered tips for consumers to avoid hazardous toys as well as tips about charitable donations, online shopping, and purchasing gift cards.

The Attorney General’s announcement was made today in New York City with New York City Public Advocate Letitia James; City Comptroller Scott Stringer; City Department of Consumer Affairs Commissioner Julie Menin; New York State Assemblymember Jeffrey Dinowitz; New York City Councilmember Rafael Espinal; and Bobbi Chase Wilding, Deputy Director of Clean & Healthy New York.

“Retailers have both a legal and moral obligation to protect children’s safety when selling toys and other products this holiday season,” said **Attorney General Schneiderman**. “In the hopes of having a safe and joyous holiday season for all New Yorkers, we want to remind retailers of their important responsibilities and also provide tips to consumers as they begin shopping and making seasonal charitable donations.”

Both state and federal agencies, including the Office of the New York State Attorney General, have taken legal action in the past to protect children from toys and articles that contain toxic chemicals that present health risks. Recent investigations have reported toys and articles intended for use by children containing elevated levels of toxic chemicals offered for sale by retailers. For example, a recent report entitled *Toxic Toys in Albany County* by Clean & Healthy New York, Inc. and the New York League of Conservation Voters Education Fund, Inc. reported children’s items purchased in Albany County containing toxic chemicals, including arsenic, mercury and lead.

State law empowers the attorney general to take appropriate enforcement action when a determination is made that items containing toxic chemicals at unsafe levels are being sold. Specifically, the law prohibits the sale, import, and manufacture of children's products that pose an unreasonable risk of injury. The law authorizes the attorney general to seek injunctive relief, as well as penalties of up to \$1,000 per violation.

"As the father of two young boys, it is beyond troubling to me that harmful toxins frequently end up in toys and other products marketed to our children," said **New York City Comptroller Scott Stringer**. "I want to thank Attorney General Eric Schneiderman for his attention to and work on this issue. No parent should ever have to worry that the gifts they give might pose a threat to the health of their children."

"I applaud Attorney General Eric Schneiderman for pushing retailers to ensure safety of children's toys this holiday season," said **New York City Public Advocate Letitia James**. "The use of cheap and dangerous materials in children's toys is far too common and many local retailers may be unaware that they are carrying these items. I urge parents to keep an eye out for metal toys in particular, like costume jewelry, which can be made of hazardous chemicals. As City and State Officials, we have a responsibility to protect and alert consumers about the dangers of toxic toys. Working together, we can help remove them from store shelves and protect countless children in New York State."

"Retailers have an important responsibility to ensure that the products they sell are safe for children," said **Assemblyman Jeffrey Dinowitz**. "The letter Attorney General Schneiderman sent to retailers across the state makes it clear that elected leaders at all levels of government are committed to protecting New York children this holiday season. As chairman of the Assembly Committee on Consumer Affairs and Protection, there is no higher priority than keeping our children safe."

New York City Councilmember Rafael L. Espinal, Jr. said "As we kick off the holiday season, it is important that all New Yorkers think about children's safety when buying gifts. I'm proud to join Attorney General Eric Schneiderman in his effort to ensure that all New Yorkers are able to make informed, safe purchases."

"This week kicks off the busiest shopping season of the year and a time when we gather with our loved ones, which often includes giving gifts, especially to the children in our lives," said **Department of Consumer Affairs Commissioner Julie Menin**. "Each year, nearly 200,000 children visit the emergency room because of toy-related injuries so I encourage parents to be vigilant in choosing the toys their children play with. I also join Attorney General Schneiderman in calling for the toy industry to ensure that the products on the shelves are safe."

"As our recent report with Clean & Healthy New York shows, there are still too many dangerous toys on the store shelves in our state," said **Marcia Bystryn, President of the New York League of Conservation Voters**. "Retailers must refuse to sell children's products that contain toxic chemicals. State and local lawmakers should also

protect our kids by expanding the list of chemicals that are prohibited in toys and requiring the disclosure of chemicals of concern. We are deeply grateful to Attorney General Schneiderman for raising awareness of this important issue and for leading the charge to protect consumers in New York State.”

“We have been finding heavy metals in children’s products for many years with our extensive testing,” said **Judy Braiman, president of the Empire State Consumer Project** and co-author of *Consumer Reports Books Toy Buying Guide*. “While there are many other dangers children are being exposed to -- such as laundry pods, nicotine flavors used for e-cigarettes, and nursery furniture – the presence of toxic chemicals in toys, costume jewelry, and other items specifically intended for children is very serious and something must be done. We applaud Attorney General Schneiderman for his important action.”

“Our research for the report, *Toxic Toys in Albany County*, uncovered a dozen toxic toys for sale in Albany County containing heavy metals like lead, cadmium, antimony, and cobalt,” said **Bobbi Chase Wilding, Deputy Director of Clean and Healthy New York**, which issued *Toxic Toys in Albany County* with the League of Conservation Voters Education Fund last Monday. “One product was made of nearly 25% cadmium - almost 250,000 parts per million. How is it that in 2014 parents still can't count on retailers to only sell toxic-free products? We applaud Attorney General Schneiderman for his action to remind retailers of this duty, and urge lawmakers to act by passing broader and stronger protections to safeguard our children's health. This holiday season and year-round, they're counting on us.”

The [letter](#) (link to:

http://www.ag.ny.gov/pdfs/2014_11_25_Letter_to_retailers_regarding_toxic_toys-Toys_R_Us.pdf) from Attorney General Schneiderman’s Office said, “As a retailer, you are in a position to safeguard children from toxic chemicals. We urge you to implement measures to identify unsafe products and keep them off your shelves.”

Attorney General Schneiderman’s focus on children’s exposure to toxic chemicals is warranted as studies have shown that the incidence of cancer in children has steadily risen since the 1970s. In 2011, cancer surpassed traumatic injuries to become the leading cause of death of New York’s children between the ages of 5 and 14, and it is the second leading cause of death in children ages 1-19 overall. Environmental factors, including chemical exposures, have been linked to the rise in cancer rates among children. Children are at special risk due to their small body mass and rapid physical development.

In addition to state law, federal law requires manufacturers and importers of children’s products to certify that their products comply with all children’s product safety rules enforced by the Consumer Product Safety Commission, which includes rules related to toxic chemicals that may be found in children’s products. The Consumer Product Safety Improvement Act of 2008 requires that this certification be based on third-party testing at a laboratory approved by the CPSC. A Children’s Product Certificate must be issued

by either the manufacturer or importer indicating compliance with all applicable standards. The manufacturer or importer must provide or make the certificate available to distributors and retailers.

Schneiderman's office urged retailers to not purchase products from manufacturers and importers that have not certified their products' safety. Retailers were also urged to check the Consumer Product Safety Commission website regularly for information on product recalls. There are a number of resources, including a tip sheet prepared by the OAG, available to consumers to help them protect their children from toxic chemicals in children's products, but retailers are the first line of defense.

Department of Consumer Affairs Commissioner Menin also sent a letter to the Toy Industry Association urging it to voluntarily create a standard that goes well beyond federal law and ban toxic chemicals in all products made or sold by its members; pull all toys with suspected toxic chemicals off the shelf; cease efforts to oppose legislation that would keep toxic toys off the market.

In addition to issuing a letter to retailers about children's products ahead of the holiday shopping season, Attorney General Schneiderman also addressed issues related to holiday gift cards and charitable donations during a press conference in New York City. During the press conference, Schneiderman offered tips to consumers.

Holiday Season Consumer Tips

Tips to Avoid Hazardous Children's Toys

Just because a toy or any other consumer product is being sold in a reputable store does not necessarily mean that the product itself is safe or even in compliance with government regulations. All too often, a toy is on the market for months, even years, before problems are identified. Here are some tips to keep your children safe:

- **Be On The Lookout For Toys That May Have Toxic Chemicals:** Avoid buying toys made of cheap metals and materials, such as jewelry, trinkets, and other similar children's products. If a piece of jewelry or trinket is inexpensive, yet is heavy for its size and looks like silver, it could contain hazardous metals. The United States Consumer Product Safety Commission (CPSC) has a Federal Toy Safety Standard that limits the concentration of certain toxic chemicals in children's products. Covered chemicals are lead, cadmium, mercury, antimony, arsenic, barium, chromium, selenium and phthalates. Click [here](http://www.cpsc.gov/en/Business--Manufacturing/Business-Education/Toy-Safety/) (link to: <http://www.cpsc.gov/en/Business--Manufacturing/Business-Education/Toy-Safety/>) further information on the CPSC standards.
- **Keep An Eye On Your Child:** Because toxic chemicals can be on the surface of toys, jewelry, and trinkets, you should never allow your child to chew, suck on, or otherwise mouth these products. Swallowing small parts can be particularly

dangerous. Since children commonly exhibit hand-to-mouth activity, practice regular hand washing as a safeguard against exposure to toxic chemicals.

- **Think BIG When Buying Toys For Infants And Toddlers:** Follow the age recommendations on toy packaging, even if you believe your child is more advanced. Many toys have small pieces that are a choking hazard, especially for children under 3 years of age. To prevent choking, buy toys that are bigger than the child's fist. Inspect all toys to make sure there are no small parts that could break off and be swallowed or choked on.
- **Check For Product Recalls:** Check the [CPSC website](http://www.cpsc.gov/en/Recalls) (link to: <http://www.cpsc.gov/en/Recalls>) for information on children's products that have been recalled due to health or safety concerns. You can also call the CPSC toll-free consumer hotline at 800-638-2772. If you own a recalled item, take the item away from your child immediately and either discard it or check the recall notice for information on returning it for a refund or replacement.
- **If you think your child may have been exposed to lead:**
 - **Talk With Your Child's Doctor:** Because it often occurs with no obvious symptoms, lead poisoning frequently goes unrecognized in children. In general, if you have any concerns about your child and lead – whether through exposure to children's products, lead paint in your home, or any other source ask your health care provider about having your child tested. The federal Patient Protection and Affordable Care Act requires health insurance providers to pay for lead testing for children at risk. Check with your insurance provider to find out what's included in your plan. In addition, Medicare pays for lead testing for all enrolled children. You can also contact your local health department to see if it has a lead testing clinic or arranges for testing children who lack health insurance coverage.
 - **Contact Health Officials:** For more information about protecting your child from lead poisoning, contact your local county health department or visit the New York State Department of Health's Lead Poisoning Prevention website [here](http://www.health.ny.gov/environmental/lead) (link to: <http://www.health.ny.gov/environmental/lead>).
 - For more information, contact the New York State Attorney General's Office's consumer hotline at 1-800-771-7755.

Charitable Contribution Tips

- **Use Your Charitable Dollars Wisely:** Only gift to charities that you know are reputable.
- **Be Aware Of Similar Charity Names:** Some charities use names that are similar to well-known charities in order to confuse donors. Always double check the name of the organization to which you're donating.
- **Be Wary of Emotional Appeals:** Appeals that talk about problems but are vague on how donations will be spent. Do not hesitate to ask for information in writing.
- **Many Phone Solicitations Come From For-Profit Fundraisers:** New Yorkers should know that many phone solicitations for charities actually come from for-

profit fundraisers. In some cases, less than half the money you give through a paid telemarketer actually goes to the charity. Donors can learn more about how charities use their donations by visiting the Attorney General's website [here](http://www.charitiesnys.com/home.jsp) (link to: <http://www.charitiesnys.com/home.jsp>).

Online Shopping Tips:

- **Use A Secure Internet Connection:** Do not transmit credit card information over public Wi-Fi networks or a home network that is not password protected.
- **Look For 'https' At The Beginning Of The Web Address:** If you're paying online, look for 'https' because the 's' means that your sensitive data will be encrypted for your protection.
- **Protect For Checking Account:** Using a credit card to make online purchases you can afford to pay off is safer than using a debit card because a debit card can imperil your entire bank account balance if it's stolen.
- **Don't Click On E-mail Links:** Scammers often use fake promotional emails that look like they are from major companies to try to steal your data, so don't click on e-mail links. Just type the store's URL into your web browser directly.

Gift Card Tips:

- **Be Wary Of Fees:** Always read the fine print and understand what you're really getting for your money.
- **Consider Inactivity Fees:** Remember that state and federal law prohibit inactivity fees or other service fees for a year after the issuance of a gift card.