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Speakers: **Joan E. Siff**, President; **James A. Swartz**, Director
Date/ Time: **Tuesday, November 14, 2017, 10:00 a.m.**
Location: Franciscan Children's, Chamberlain Conference Room, 30 Warren Street, Brighton, MA

W.A.T.C.H. Reveals Nominees for "10 Worst Toys" For 2017 Holiday Season
45th Annual Report Cautions Parents:
Beware of the Danger of Purchasing Potentially Harmful Toys

(Boston, MA—Nov. 14, 2017) World Against Toys Causing Harm, Inc. (W.A.T.C.H.) today revealed its nominees for the **"10 Worst Toys of 2017"** and demonstrated why the **"Wonder Woman Battle Sword," "Spiderman Spider-Drone," and other potentially hazardous toys** should not be in the hands of children. This year's toy report addressed the types of toy hazards available online, as well as in retail stores, **so parents know what traps to avoid when buying toys.**

In a year when consumers are expected to spend 51% of their holiday budget online¹, W.A.T.C.H. highlighted the impact of online purchasing on toy safety. Although parents have a right to expect that toys they give to their children are safe, **unsafe toys remain an ongoing problem.** Due to poor design, manufacturing and marketing practices, there are toys available for purchase today with the potential to lead to serious injury and even death. W.A.T.C.H. urges parents and caregivers to take precautions when buying toys— especially during the upcoming 2017 holiday season.

At this year's press conference, Consumer Advocates Joan E. Siff, President of W.A.T.C.H., and James A. Swartz, a nationally known trial attorney and Director of W.A.T.C.H., demonstrated **toys with inconsistent and inadequate warnings, cautions and age recommendations as well as other classic safety hazards that continue to re-appear year after year.** Swartz and Siff also provided up-to-date information about toy recalls and stressed the necessity for more stringent oversight of the toy industry and continued vigilance by parents and caregivers:

Online Shopping — Toy Safety Traps: In a year when big box stores, such as Toys R' Us, struggle to keep their brick and mortar storefronts open, Walmart is tripling the number of online products, Amazon leads the pack with online toy sales, and **consumers continue to embrace the convenience of Internet shopping**, shoppers need to know the **safety hazards to watch out for when making online purchases.** E-shoppers should beware of recalled toys, toys with deadly track records, and incomplete product information that may mask hazards at the time of purchase.

Recalled Toys - Internet Buyers Beware: The Internet has been compared to the Wild West when it comes to outlawed toys. Shoppers may expect that there are checks and balances in place to prevent the online sale of recalled toys, toys already deemed to be unsafe, but unfortunately this is not always the case. Regulations and safety protocols for e-commerce transactions are often nonexistent or inadequate. Consumer-to-consumer "second-hand sales"— which are inconsistently monitored, if monitored at all — provide new opportunities for recalled toys to surface. On the "10 Worst Toys" list this year is itty bittys® baby plush stacking toy, purchased online after the toy's recall on August 31, 2017. W.A.T.C.H. has repeatedly addressed the issue of recalled toys sold online — it's unacceptable that these toys with proven safety defects continue to reappear and put children at risk.

Limited Product information online: Consumers buying toys on the Internet are already at a disadvantage as they are unable to touch and physically inspect a toy and its packaging at the time of sale for more obvious hazards. In some cases, limited product information on e-commerce sites can lead to misinformed, and potentially dangerous, consumer toy purchases.

Toy Safety — Serious Business: For over four decades, W.A.T.C.H. has discussed the issue of dangerous toys in the hope of bringing about change and reducing injuries to children. Nonetheless, there remain an alarming number of dangerous toys on

¹ 2017 Holiday Survey, Deloitte LLP

store shelves, in catalogues, and on e-retailers' websites. Shockingly, classic toy dangers, such as small parts, strings, projectiles, toxic substances, rigid materials, and inaccurate warnings and labels, resurface each year in newly designed toys. In a toy industry generating approximately \$26 billion dollars in sales annually across the nation, safety concerns must be a priority, not an afterthought. **One child is treated in a U.S. emergency room every three minutes for a toy-related injury.** From 1990 to 2011, there was a 40% increase in toy-related injuries. According to the Consumer Product Safety Commission (CPSC), in 2015 there were over 254,200 toy-related injuries, and between 2010 and 2015, 72 children died in toy-related incidents. Although even one injury to one child is too many, particularly when the injury is preventable, recent statistics emphasize that dangerous toys continue to pose a year-round threat. The recurrence of many known hazards in toys in the past year is clearly suggestive of a broken system that needs fixing before more children are harmed.

First Line of Defense — Safe Design and Manufacture: **The first line of defense is always the safe design and manufacture of products.** Recalls are important safety measures but they are **reactive not proactive.** Dangerous toys should not reach consumers in the first place. As highlighted by the incidences of recalled toys resurfacing on the Internet, once a toy is available for sale, it could end up in the hands of a child. The best weapon in the fight to prevent injuries to children continues to be preventing unsafe toys from reaching consumers in the first place. The difficulty in purging the market of goods that have been recalled shows that the burden must be on manufacturers and retailers, not consumers, to identify the known hazards before their products enter the channels of commerce. Many consumers never receive notice of toy recalls and may not know that a dangerous toy sits like a time bomb in their child's toy box. Many of the toys recalled in the last year not only put children at risk of serious injury or death, but also are evidence of substandard manufacturing practices and inadequate pre-market testing. Other toys that are unsafe may never be recalled in the first place. Enforcement agencies, such as the CPSC, may have limited resources to police such a large industry. Moreover, some toys that are in compliance with current industry or regulatory standards have proven to be hazardous, demonstrating the inadequacy of existing standards. Regulators often scramble to catch up with new technologies, as seen by the deadly issues that arose when hoverboards with lithium batteries hit the marketplace and began bursting into flames (a hazard previously addressed by W.A.T.C.H.) . Toys are embellishments of life, not necessities, and there is no excuse for manufacturing, importing and distributing a toy that can kill a child.

Keeping Kids Safe- Advocacy and Awareness Make A Difference: More important than ever are the efforts of advocacy groups like W.A.T.C.H. that hold the industry and regulators accountable to make safety a priority. **Thanks in part to the efforts of W.A.T.C.H., toy safety has become an active conversation.** While regulations, such as the Consumer Product Safety Act of 2008, are a step in the right direction, regulations should be a floor, not a ceiling, for toy safety. As a result of advocacy, some toys have been redesigned, recalled, or otherwise identified to consumers. In September 2017, Amazon informed purchasers that the Baby Kids Long Nose Elephant Stuffed Toys "may have been inappropriately described as a pillow or sleeping aid for infants 12 months and younger" after it appeared on W.A.T.C.H.'s 2016 "10 Worst Toys" list. There is more work to be done to prevent needless and tragic injuries to children as a result of poorly designed and manufactured toys. The key message today is to let consumers know that while there are dangerous toys being sold in retail stores and online, awareness this holiday season and year-round can truly save lives. **What can parents and caregivers do to arm themselves against toys that could injure children?** For starters, know what classic safety traps to look out for, inspect new and old toys for defects and poor design, learn to identify hidden hazards that re-appear year after year, and do not be lulled into a false sense of security that a toy is safe because of a familiar brand name on a package or due to its availability at a well-known retailer.

W.A.T.C.H.'S 2017 "10 WORST TOYS" LIST: Consumers can help children enjoy a safer holiday season knowing what traps to avoid when selecting toys. W.A.T.C.H.'s "10 Worst Toys" list, a hands-on tool for consumers, raises awareness of the different types of potential hazards to avoid while toy shopping. **The particular toys on the "10 Worst Toys" list are illustrative of some hazards in toys being sold to consumers, and should not be considered as the only potentially hazardous toys on the market.**

ABOUT THE AUTHORS:

Joan E. Siff, *President of W.A.T.C.H.*, began presenting the "Ten Worst Toys" list with Attorney Edward M. Swartz (1934-2010) on behalf of W.A.T.C.H. in 1991. She earned her J.D. and Masters in Mass Communication from Boston University. After serving as an Assistant District Attorney in the Commonwealth of Massachusetts, Norfolk County, Ms. Siff practiced product liability litigation. Ms. Siff is admitted to the bars in Massachusetts, New York and the District of Columbia. Ms. Siff is the author of "Toy Regulation Still Lagging in Protecting Children," published in the *Leader's Product Liability, Law and Strategy*. She has given numerous lectures on behalf of W.A.T.C.H. to increase awareness about unsafe children's products. Joan Siff has appeared on Fox and Friends, Fox News Live, LawLive (FATV), CNN Radio Atlanta, NECN, The Michael Smerconish Morning Drive Radio Program (Philadelphia). Having served on several non-profit boards relating to children's causes, she is currently a Board Member of Franciscan Children's.

James A. Swartz is a nationally known trial attorney, consumer advocate, and a Director of W.A.T.C.H. His law practice at Swartz & Swartz includes many well-known cases involving product liability injuries. Attorney Swartz has authored book chapters relating to child and product safety, including "Hazardous Playthings Causing Injury to Children," *Children and Injuries* (Lawyers & Judges Pub. Co., Inc.); and "The Common Law in the New Millennium- Protecting Our Children," *Civil Trial Practice-Winning Techniques of Successful Trial Attorneys*, (Lawyers & Judges Pub. Co., Inc.), as well as numerous articles. Mr. Swartz earned his J.D. at Georgetown University Law Center. He is a member of Trial Lawyers for Public Justice, serving as Massachusetts State Coordinator; The Massachusetts Bar Association; The Massachusetts Academy of Trial Attorneys; The American Bar Association; and The Boston Bar Association, among many other associations. James Swartz has appeared on such national television programs including as "Take It Personally" on CNN, "Newsfront" on MSNBC, "Legal Cafe" on COURT TV, "Crook and Chase" on the Nashville Network (TNN), interview on BLOOMBERG BUSINESS NEWS television network, and in news reports on CNN, and other national news networks.

HALLMARK "ITTY BITTYS" BABY STACKING TOY



Price: \$24.99
Manufacturer or Distributor: Hallmark Marketing Company, LLC
Retailer(s): eBay.com
Age Recommendation: None
Warnings: None

HAZARD: POTENTIAL FOR CHOKING INJURIES!

W.A.T.C.H. OUT! This plush Disney-themed stacking toy with four rattling rings is sold without age recommendations or warnings. The Consumer Product Safety Commission issued a recall notice on August 31, 2017 due to “fabric hats and bows that can detach, posing a choking hazard.” A Hallmark “Itty Bittys” Baby Stacking Toy was purchased online after the recall was announced.

PULL ALONG PONY



Price:	\$19.99
Manufacturer or Distributor:	Tolo Toys Limited
Retailer(s):	Magic Beans; Amazon.com; Bonanza.com
Age Recommendation:	"12m+"
Warnings:	None

HAZARD: POTENTIAL FOR STRANGULATION AND ENTANGLEMENT INJURIES!

W.A.T.C.H. OUT! Despite the industry's standard requiring strings on playpen and crib toys to be less than 12 inches in length, manufacturers are still permitted to market "pull toys" such as the "Pull Along Pony" with a cord measuring approximately 19 inches. No warnings are provided.

WONDER WOMAN BATTLE-ACTION SWORD



Price:	\$19.99
Manufacturer or Distributor:	Mattel
Retailer(s):	Target; Toysrus.com; Walmart.com
Age Recommendation:	"6+"
Warnings:	"WARNING: small parts may be generated" and battery safety warnings

HAZARD: POTENTIAL FOR BLUNT FORCE INJURIES!

W.A.T.C.H. OUT! Young children are encouraged to bear arms, like a popular comic book and movie character, to engage in "[f]ighting alongside men in a war to end all wars. ..."

The rigid plastic sword blade has the potential to cause facial or other impact injuries.

HAND FIDGETZ SPINNERS



Price: \$2.00
Manufacturer or Distributor: Kipp Brothers
Retailer(s): Walmart; Kippbrothers.com; Bulktoystore.com
Age Recommendation: None
Warnings: "WARNING: This product is a novelty gift item. It is not intended to be used as a toy" (*On removable sticker*)

HAZARD: POTENTIAL FOR CHOKING INJURIES!

W.A.T.C.H. OUT! Fidget Spinners, like these bright-colored versions, can be found in retail toy aisles. These spinners remain popular with children of all ages, and some present potential small parts hazards.

SPIDER-MAN SPIDER-DRONE OFFICIAL MOVIE EDITION



Price: \$89.99
Manufacturer or Distributor: Marvel; Skyrocket Toys LLC
Retailer(s): Target; Best Buy; Toysrus.com; Walmart.com
Age Recommendation: "Ages 12+"
Warnings: "Drone has rotating blades that move at high speed, posing danger of... injury; "Keep spinning rotors away from fingers, hair, eyes, and other body parts"; and other cautions/warnings on package/package insert.

HAZARD: POTENTIAL FOR EYE AND BODY IMPACT INJURIES!

W.A.T.C.H. OUT! This "official movie edition" remote-control drone, based on the well-known Spiderman Superhero franchise, is sold for use by children. The "performance drone", designed to launch into the air powered by multiple rotating rotor blades is accompanied by numerous warnings, including the potential for "damage or injury"

NERF ZOMBIE STRIKE DEADBOLT CROSSBOW



Price:	\$49.49
Manufacturer or Distributor:	Hasbro; Nerf.com
Retailer(s):	Kmart; Toysrus.com; Target.com; Walmart.com
Age Recommendation:	"Age 8+"
Warnings:	"Do not aim or shoot at eyes or face of people or animals", and other cautions/warnings on product, package, and package insert.

HAZARD: POTENTIAL FOR EYE INJURIES!

W.A.T.C.H. OUT! Children as young as 8-years-old are encouraged to load "arrows" into the "deadbolt" crossbow, pull back the "primary pressurized lever" and fire the projectiles in order to "strike back" at "zombies." The force of the arrow launch presents the potential for eye and facial injuries.

SLACKERS SLACKLINE CLASSIC SERIES KIT



Price: \$69.99
Manufacturer or Distributor: Brand 44
Retailer(s): Amazon.com; Dickssportinggoods.com; L.L. Bean; Homdepot.com; Magic Beans
Age Recommendation: "Ages 5+" (*package*); "Safe for all ages" (*package insert*)
Warnings: "WARNING: strangulation hazard"; "CAUTION: Remember a Slackline can be a potentially dangerous piece of equipment and can cause serious injury or even death", and other warnings/cautions

HAZARD: POTENTIAL FOR STRANGULATION AND FALL-RELATED INJURIES!

W.A.T.C.H. OUT! This Slackline is marketed for "all ages" pursuant to a package insert, providing a tightrope-like device intended to be anchored between two trees. The manufacturer warns of the potential for "severe injury", including "a strangulation hazard, especially with children."

OVAL XYLOPHONE



Price:	\$24.99
Manufacturer or Distributor:	Plan Toys, Inc., Plan Creations Co., LTD.
Retailer(s):	Target.com; Toysrus.com; Walmart.com; Magic Beans
Age Recommendation:	"12m+"
Warnings:	None

HAZARD: POTENTIAL FOR INGESTION AND CHOKING INJURIES!

W.A.T.C.H. OUT! This multi-colored musical instrument is sold for babies as young as 12 months old. The manufacturer provides no warnings regarding the slender, rigid approximately 9 ½" long drumstick handle, which has the potential to be mouthed and occlude a child's airway.

JETTS HEEL WHEELS



Price: \$33.99 or \$39.99
Manufacturer or Distributor: Razor USA LLC
Retailer(s): Kmart; Toys R Us; Walmart.com; Kohls.com; Target.com
Age Recommendation: "8+"
Warnings: "USING HEEL WHEELS CAN BE A DANGEROUS ACTIVITY AND MAY RESULT IN INJURY OR DEATH. ... USE AT YOUR OWN RISK...." and numerous other warnings on package/package insert.

HAZARD: *POTENTIAL FOR BLUNT IMPACT AND FIRE-RELATED BURN INJURIES!*

W.A.T.C.H. OUT! "Heel Wheels" are marketed to be strapped to heels of children's shoes so footwear can be transformed into a type of rear-wheel roller skate. The manufacturer adds "real sparking" action to the "Jetts" with "skid pads", as evidenced by numerous warnings, including: "Keep sparks away from eyes, hair, exposed skin and clothing. Sparks can burn."

BRIANNA BABYDOLL



Price: \$20.99
Manufacturer or Distributor: Melissa & Doug
Retailer(s): Target.com; Toysrus.com
Age Recommendation: "Ages 18 Months+"
Warnings: None

HAZARD: POTENTIAL FOR CHOKING INJURIES!

W.A.T.C.H. OUT! These "huggable, soft" dolls, marketed for babies as young as 18 months old, have "removable clothing." The pink ponytail holders are also removable, presenting the potential for ingesting and choking.