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W.A.T.C.H. REVEALS ITS 2019 NOMINEES FOR THE “10 WORST TOYS” THIS HOLIDAY SEASON

47th Annual Report Cautions Parents:
Beware of the Danger of Purchasing Potentially Harmful Toys

One Child Is Treated In U.S. Emergency Rooms Every Three Minutes For A Toy-Related Injury

(Boston, MA--Nov. 19, 2019) World Against Toys Causing Harm, Inc. (W.A.T.C.H.) today revealed its nominees for the “**10 Worst Toys of 2019**” and demonstrated why the “**Nerf Ultra One,**” “**Pogo Trick Board,**” and other potentially hazardous toys should not be in the hands of children. Although intended for fun and entertainment, many toys contain hidden hazards unnecessarily putting children at risk of injury or death. W.A.T.C.H. addressed the types of toy hazards available online, as well as in retail stores, **so parents and caregivers know what traps to avoid when buying toys—especially in the upcoming 2019 holiday shopping season.**

At this year’s press conference at Franciscan Children’s in Boston, Consumer Advocates Joan Siff, President of W.A.T.C.H., and James Swartz, Director of W.A.T.C.H., illustrated some of the classic safety hazards that continue to reappear year after year. These traps included poorly designed toys as well as inconsistent and inadequate warnings, cautions and age recommendations. **Highlighted at this year’s conference, among other safety concerns, were projectile toys that could fire with enough force to potentially cause eye injuries and toys that encourage children to jump or ride with the potential for head injuries. Some of these toys are sold without the proper safety gear or marketed with inconsistent safety messages.** Swartz and Siff also discussed the impact of online purchasing on toy safety, up-to-date information about toy recalls and the necessity for more stringent oversight of the toy industry. Unfortunately, there have been many deaths, disfigurements and disabilities inflicted upon children as a result of poorly designed and tested toys. **One reason the message today is so urgent: Many toy-related injuries are preventable.**

For over four decades, W.A.T.C.H. has tackled the issue of dangerous toys in the hope of bringing about change and reducing injuries to children. Nonetheless, dangerous toys remain on store shelves, in catalogues, and on e-tailers’ websites. Shockingly, classic toy dangers, such as small parts, strings, projectiles, toxic substances, rigid materials, and inaccurate warnings and labels, continue to be manufactured by the toy industry in newly designed packaging.

Year-In-Review:

Injuries & Deaths: According to the latest statistics from the Consumer Product Safety Commission (CPSC), there were an estimated 251,700 toy-related injuries in the U.S. in 2017, and a reported 37 children died from toy-related incidents from 2015 to 2017.ⁱ Between 1990 and 2011, there was a 40% increase in toy-related injuries.ⁱⁱ One child is treated in a U.S. emergency room every three minutes for a toy-related injury.ⁱⁱⁱ Behind each injury and fatality is a real child and family whose lives are often permanently affected. Even one injury to one child is too many, particularly when the injury is preventable.

Toy Recalls: The recurrence of many known hazards in toys recalled is clearly suggestive of a broken system that needs fixing before more children are harmed. In a year when toys available for sale were recalled for a wide range of defects, such as **a doll with a sewing needle inside, a Disney toy with eyes that could detach, and a Fisher-Price ride-on Barbie camper that could continue running after the foot pedal was released, there is clearly more to be done to protect children.**

Many of the toys recalled contain types of hazards, such as choking and puncture risks, that have been well-known to the toy industry for years. In the recent 22-month period between January 2018 and October 2019, the CPSC announced 27 toy recalls representing more than 1.2 million units of toys in the U.S. and Canada. Recalls were issued for hazards including lead poisonings, lacerations, and strangulations.

While recalls are important safety measures, they are reactive not proactive. At the time of a recall, a toy may already be in the hands of unsuspecting children who are put at risk of suffering serious, even life-threatening injuries. Once these toys are on the market, they can reappear for resale online, in a child's toy box, or even at a yard sale.

Many consumers never receive notice of toy recalls. The recent CPSC recall of reclined infant sleepers—only after the tragic death of many infants—highlights the importance of making sure products are safe **BEFORE** reaching retail outlets. There were reports of 1,108 incidents, including 73 infant deaths, related to infant sleepers occurring between 2005 and 2019.^{iv}

Immediate action is needed when the risk of child injury or death is known, so that more children are not unnecessarily put at risk. Further, it's important when choosing toys to remember not all unsafe toys are necessarily recalled; enforcement agencies, such as the CPSC, may have limited resources to police such a large industry, existing standards can be inadequate, and regulators often scramble to keep up with emerging technologies.

Safety Spotlight:

Falls & Impact Injuries: Although some toys are marketed as entertaining ways to bounce or ride, many such toys could present a serious risk of head or other impact injuries from falls. **This year new variations of traditional toys have surfaced, such as pogo stick hybrids and two-footed electric hoverboards. Some of these are being marketed without appropriate cautions or protective gear.** The Pogo Trick Board, one of this year's nominees, is an example of inconsistent messaging with regard to safety gear. The toy's packaging shows only two out of three children wearing helmets despite manufacturer's warnings.

Falls were the leading cause of traumatic brain injury-related emergency department visits, hospitalizations, and deaths (TBI-EDHDs) and result in almost half of all TBI related U.S. emergency department visits by children (0-17 years).^v The Center for Disease control reports that in 2014, there were approximately 2.5 million TBI-related emergency department visits in the U.S., including over 812,000 among children. The same year, TBIs to children contributed to 2,529 deaths.^{vi} Parents should carefully weigh the risk of injuries from falls that may make these toys too inherently dangerous to be used by children.

Dangers of Online Purchases: For many years, W.A.T.C.H.'s safety reports have stressed the unique considerations involved with online purchases. **With Internet shopping expected to account for 59% of holiday spending,**^{vii} shoppers need to know the **safety hazards to watch out for when making online purchases.** E-shoppers should beware of recalled toys or toys with deadly track records, whether making retail or consumer-to-consumer (i.e. "second-hand") purchases.

Additionally, **W.A.T.C.H cautions that** online product descriptions may omit warnings and cautions or provide incomplete or misleading information. Parents face the disadvantage of not being able to touch and physically inspect a toy and its packaging for warning signs of obvious hazards at the time of purchase. **The Amazon.com page for the Nerf Ultra One dart "blaster" lists "Safety Warning: N/A" although some cautions or warnings are provided with the toy.** This year, a Wall Street Journal investigation brought further attention to concerns about online shopping. A total of 2,324 toys (64% of toys analyzed) sold on Amazon were lacking choking-hazard warnings that were found on Target.com.^{viii}

Hidden Choking Hazards: Consumers may expect there are sufficient checks and balances in place to prevent dangerous toys from reaching store shelves or e-commerce sites, but unfortunately this is not always the case. Even toys that pass existing safety standards can be dangerous. Toys with small parts are one of the many hazards that continue to unnecessarily put children at risk. Small parts that could detach during play or long pieces that could be mouthed and occlude a child's airway are examples of less obvious hazards. On the 2019 "Worst Toys" list, both the **Spike the Fine Motor Hedgehog** and the **Spark Create Imagine Learning Buddy** have parts that could be potential choking hazards for young children. So far, this year alone, there have been 7 toys recalled due to choking hazards, representing nearly **593,350** units of toys in the U.S. and Canada. Considering choking is one of the most significant contributors to toy-related injuries and deaths, this is unacceptable.

Steps for a Safer Holiday Season and Beyond:

First Line of Defense– Safe Design and Manufacture: Many toy-related injuries and deaths could have been prevented with better designed, manufactured and marketed toys. In a toy industry generating approximately \$90 billion dollars in global sales annually, safety concerns must be a priority, not an afterthought. 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 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. The best weapon in the fight to prevent injuries to children continues to be preventing unsafe toys from reaching consumers in the first place.

Stricter Government Enforcement: The CPSC needs more tools to oversee a \$28 billion U.S. toy industry and the manufacture of safe products for children. These tools include increased funding, an expanded workforce, more product testing, stricter safety requirements, broader and better-publicized notification of recalls and hefty fines imposed on manufacturers whose toys are recalled or found defective.

Spread the Word: W.A.T.C.H.'s #SHOUTsafety campaign is a **call to action** emphasizing the importance of sharing safety information to help reduce preventable injuries. Thanks in part to the efforts of W.A.T.C.H., toy safety has become an active conversation that has led to significant changes in the industry and increased regulations. While a step in the right direction, regulations should be a floor, not a ceiling, for toy safety. As a result of advocacy, the industry and regulators continue to be held accountable to make safety a priority and millions of toys have been re-designed, recalled, or otherwise identified to consumers. There is more work to be done to prevent needless and tragic injuries to children as a result of poorly designed and manufactured toys. A key message today is to let consumers know that while there are dangerous toys being sold in retail stores and online, advocacy and awareness this holiday season and year-round can truly save lives.

Shop Defensively: Parents and caregivers need to remain vigilant when it comes to toy safety. Unfortunately, even toys that are in compliance with current industry or regulatory standards have proven to be hazardous, further demonstrating the inadequacy of existing standards. So, what can parents do to arm themselves against toys that could injure children? Since there currently is no full-proof safety net in place to prevent dangerous toys from reaching consumers, the message for parents this holiday season is to think *defensively* when it comes to toy safety. For starters, parents can avoid many toy-related hazards by remaining cautious, identifying safety red flags, knowing what classic safety traps to look out for, inspecting new and old toys for defects and poor design, and learning to identify hidden hazards (go to **ToySafety.org** for more info.). W.A.T.C.H. cautions toy shoppers not to be lulled into a false sense of security that a toy is safe because it has a familiar brand name on the package or it is available from a well-known retailer or e-tailer.

W.A.T.C.H.'S 2019 "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 nominated for the "10 Worst Toys" list are illustrative of some potential 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 the organization's founder, Attorney Edward M. Swartz (1934-2010), on behalf of W.A.T.C.H. in 1991. She earned her J.D. and MS 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 Megyn Kelly Today, 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, *Director of W.A.T.C.H.*, is a nationally known trial attorney and consumer advocate. 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 many national television programs including The Doctors, "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.

i Toy-Related Deaths and Injuries Calendar Year 2017, CPSC (Nov.1, 2018)

ii Center for Injury Research and Policy at Nationwide Children's Hospital, Columbus, *Journal of Clinical Pediatrics* (Nov.3, 2014)

iii *ibid*

iv CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products (Oct. 31, 2019)

v Centers for Disease Control and Prevention -2019, *Surveillance Report of Traumatic Brain Injury-related Emergency Department Visits, Hospitalizations, and Deaths—United States* (2014)

vi *ibid*

vii Holiday Survey, Deloitte LLP (2019)

viii Amazon Has Ceded Control of Its Site. The Result: Thousands of Banned, Unsafe or Mislabeled Products, WJS, by Berzon, Shifflett and Scheck (Aug. 23, 2019)

NERF ULTRA ONE

Price: \$49.99
Manufacturer or Distributor: Hasbro
Retailer(s): Target.com, Walmart.com, Hasbro.com
Age Recommendation: "AGES 8+"
Warnings: "CAUTION: Do not aim at eyes or face. TO AVOID INJURY: Use only with official NERF darts....", and other cautions/warnings.

HAZARD: POTENTIAL FOR EYE INJURIES!

W.A.T.C.H. OUT! The manufacturer of this dart "blaster" boasts that the ammunition "FIRES UP TO 120 FT" with "POWERFUL SPEED" making this the "FARTHEST FLYING NERF DART. EVER." The darts provided can shoot with enough force to potentially cause eye injuries. Of note at least one retailer sells this "motorized" toy weapon alongside "Nerf Battle Goggles, a "toy" which "...does not provide protection."

SPIKE THE FINE MOTOR HEDGEHOG

Price: \$17.99
Manufacturer or Distributor: Learning Resources, Inc.
Retailer(s): Magic Beans, Kohls.com, Amazon.com, eBay.com, Target.com, Walmart.com
Age Recommendation: "18+ Months"
Warnings: None.

HAZARD: POTENTIAL FOR INGESTION AND CHOKING INJURIES!

W.A.T.C.H. OUT! This "hedgehog", sold for oral-age children as young as 18 months old, comes with twelve removable, rigid-plastic "quills" measuring approximately 3 ½ inches long. The quills can potentially be mouthed and occlude a child's airway.

BUNCHEMS BUNCH'N BUILD

Price: \$16.58
Manufacturer or Distributor: Spin Master LTD.
Retailer(s): Amazon.com, Michael's, Michaels.com, Walmart.com, Nordstromrack.com, Lightinthebox.com
Age Recommendation: "4+"
Warnings: "CAUTION: Keep away from hair. May become entangled. Keep away from pets"; "WARNING: CHOKING HAZARD—Small parts. Not intended for children under 3 years"; and other warnings/cautions on package and package inserts.

HAZARD: POTENTIAL FOR HAIR ENTANGLEMENT AND CHOKING!

W.A.T.C.H. OUT! "Bunchems" are multi-colored activity balls that are meant to stick together when children engage in building activities. There have been report of the plastic, connective toys becoming ensnared in children's hair. The manufacturer itself provides numerous warnings related to this hazard, including a large, bright orange box insert stating in part: "CAUTION: KEEP AWAY FROM HAIR. During play, tie hair back to avoid entanglement. Keep away from pets...."

YETI

Price: \$21.24
Manufacturer or Distributor: Douglas Company, Inc.
Retailer(s): Wellesley Toy Shop, Target.com, eBay.com, Walmart.com, Douglascuddletoy.com, Amazon.com
Age Recommendation: "For 24 Months & Up" (*throw-away tag only*).
Warnings: None.

HAZARD: POTENTIAL FOR INGESTION/ASPIRATION INJURIES!

W.A.T.C.H. OUT! This soft, ape-like "Yeti" creature is sold for oral-age children. The "cuddle" toy has long, fiber-like hair that may not be adequately rooted, such that pulling with minimum effort could lead to removal. Once separated from the toy, the hair presents the potential for ingestion or aspiration injuries. This hazard is not referenced anywhere on the product or product tags.

NICKELODEON FROZEN TREATS SLIME

Price: \$9.99
Manufacturer or Distributor: LaRose Industries, LLC, d/b/a Cra-Z-Art
Retailer(s): Target, Target.com, Walmart.com
Age Recommendation: "6+"
Warnings: "WARNING: THIS SET CONTAINS CHEMICALS THAT MAY BE HARMFUL IF MISUSED. Read carton or individual containers carefully. Not to be used by children except under adult supervision"; "NOT REAL FOOD-DO NOT EAT (*package*), and other cautions/warnings inside box.

HAZARD: POTENTIAL FOR CHEMICAL INGESTION AND IRRITATION INJURIES!

W.A.T.C.H. OUT! Nickelodeon's colorful "slime" is offered to children with the appearance of some of their favorite frozen treats, including "mint chocolate chip", "berry smoothie", and "soft serve." At the same time, the manufacturer issues a warning regarding "harmful chemicals" while advising: "NOT REAL FOOD—DO NOT EAT."

ANSTOY ELECTRONIC TOY GUN

Price: \$59.99
Manufacturer or Distributor: Anstoy
Retailer(s): Amazon.com, PETXT
Age Recommendation: "Ages 14+"
Warnings: Instructions include: "When playing, please wear Goggles. Do not shoot people or animals at close range. Do not shoot fragile targets...." (*box only*).

HAZARD: REALISTIC TOY WEAPONRY!

W.A.T.C.H. OUT! Given the numerous reported tragedies resulting from outfitting children with realistic toy weapons, there is simply no excuse for marketing "toys" such as this "submachine gun." Existing regulations addressing the hazards are inadequate. Detailed replicas mistaken for lethal weaponry have resulted in numerous deaths over the years, and should never be sold as toys.

DIECAST SCHOOL BUS

Price: \$14.99
Manufacturer or Distributor: Schylling
Retailer(s): Magic Beans
Age Recommendation: "Ages 3+"
Warnings: "WARNING: CHOKING HAZARD - Small parts. Not for children under 3 years" (*removable sticker only*).

HAZARD: POTENTIAL FOR CHOKING INJURIES!

W.A.T.C.H. OUT! These miniature yellow school buses are sold with a "choking hazard" warning on a removable, stick-on label. The firm rubber tires, mounted on plastic wheels, can be removed, presenting the potential for a serious choking injury for oral age children.

POGO TRICK BOARD

Price: \$29.99
Manufacturer or Distributor: Flybar, Inc.
Retailer(s): Learning Express, Target.com, Walmart.com, Amazon.com, Flybar.com, Kohls.com
Age Recommendation: "Ages 6+"
Warnings: "WARNING: Be safe. Always wear a helmet and other protective gear", and other instructions/cautions (*package only*).

HAZARD: POTENTIAL FOR HEAD AND IMPACT INJURIES!

W.A.T.C.H. OUT! Children using this "Pogo Trick Board" with "high bounce ball" are provided "[d]ual handles for tricking out." Despite the manufacturer's warning to wear a helmet and other "protective gear", only two of the three children shown on the packaging are wearing helmets, and none are using other protective items.

POWER RANGERS ELECTRONIC CHEETAH CLAW

Price: \$19.99
Manufacturer or Distributor: Hasbro
Retailer(s): Target, Target.com, Amazon.com, Hasbrotoyshop.com, Bestbuy.com, Walmart.com, Galactictoys.com, Toywiz.com
Age Recommendation: "Age 5+"
Warnings: "CAUTION: Do not hit or swing at people or animals. Use away from breakable objects", and small parts warning.

HAZARD: POTENTIAL FOR EYE AND FACIAL INJURIES!

W.A.T.C.H. OUT! The Power Rangers "BEAST Morphers" claws are made of rigid plastic. Five-year-olds are encouraged to use the "strength of the CHEETAH CLAW" to "take on...enemies!" The manufacturer simultaneously advises children not to "hit or swing at people...."

VIGA PULL ALONG CATERPILLAR

Price: \$20.54
Manufacturer or Distributor: VIGA; Belvedere
Retailer(s): Amazon.com, Toptoyusa.com
Age Recommendation: "18m+"
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 Caterpillar" with a cord measuring approximately 24 inches. No warnings are provided.