



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

April 21, 2016

David A. Brandon, CEO
Toys "R" Us
One Geoffrey Way
Wayne, New Jersey 07470

RE: Cra-Z-Art products that contain lead in violation of federal Consumer Product Safety Act standards and New York State law

Dear Mr. Brandon:

We write on behalf of the New York State Attorney General to inform you that as part of a recent investigation, the Office of the Attorney General has obtained evidence that certain Cra-Z-Art products intended for use by children and offered for sale at one or more of your stores contain lead in excess of the limits established under the federal Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*, and the Consumer Product Safety Improvement Act. Based on that evidence, we believe that sale and distribution of these children's products in New York violates both the federal Product Safety Act and New York General Business Law §§ 349 and 396-k. These items present an unreasonable risk of personal injury or illness due to their high lead content, and we request that you respond to this hazard immediately.

The New York State Attorney General has conducted an investigation to determine if unsafe items intended for use by children are being sold in the State of New York. During the months of October 2015, November 2015, and February 2016, investigators from our office visited several stores throughout the state, including Toys "R" Us, and purchased a number of items intended for use by children. Our office sent items to a laboratory accepted as accredited by the Consumer Product Safety Commission for analysis and quantification.

Based on the results of that laboratory analysis, the New York State Attorney General has identified the following Cra-Z-Art products that have one or more components containing lead in excess of 100 ppm:

- Shimmer N' Sparkle Cra-Z-Art Cra-Z-Jewelz Gem Creations Ultimate Gem Machine (UPC 884920174504),

- Shimmer N' Sparkle Cra-Z-Art Cra-Z-Jewelz Gem Creations Gem Charm and Slider Bracelets (UPC 884920174849),
- My Look Cra-Z-Art Cra-Z-Jewelz Gem Creations Ultimate Gem Machine (UPC 884920466340).

Specifically, the components of those products that contained excess levels of lead were bands that appear to be made of leather or to resemble leather. Your stores sell one or more of these products. Our office is notifying LaRose Industries, LLC, whose name appears on the products, of our findings, but we believe it would be in the public interest for Toys “R” Us to have these and any items that might be made from similar materials removed from store shelves immediately. We request that you participate in any future recall of these products and that any recalled or returned items, as well as any existing inventory, be securely stored until an appropriate disposition has been determined. In other words, these items should not be destroyed or disposed of unless and until our office consents.

Under the federal Consumer Product Safety Act, manufacturers and importers have a responsibility to certify that their products are safe and comply with the standards developed under the Act, which limit the presence of toxic chemicals that may be found in children’s products and toys. Under 15 U.S.C. § 2063, federal law requires that this certification be based on third-party testing at a laboratory accepted as accredited by the federal Consumer Product Safety Commission. 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 “furnish” the certificate to distributors and retailers—meaning provide them with a reasonable means to access the certificate. Accordingly, under the federal law, Toys “R” Us should have reasonable means to access the product certificates for these products.

Please respond to this letter within **five days** to inform the New York State Attorney General what steps Toys “R” Us has taken in light of this information. Additionally, in that response, please provide the New York State Attorney General with a copy of the Children’s Product Certificate for each item indicated above, as well as any other similar items, that are in your possession.

The New York State Attorney General is committed to protecting the health and safety of the children of our state and takes these compliance issues very seriously. Although we are asking for your voluntary assistance in this matter, please be advised that when our office determines that items containing toxic chemicals at unsafe levels are being sold, we are authorized to take appropriate enforcement action pursuant to Executive Law § 63(12) and General Business Law §§ 349 and 396-k, which prohibit the sale, import or manufacture of children’s products that pose an unreasonable risk of injury. The law authorizes the New York State Attorney General to seek injunctive relief, as well as penalties of up to \$1,000 per violation. Furthermore, the State may also enforce the federal Consumer Product Safety Act.

A focus on children’s exposure to toxic chemicals is critical. Studies have documented that lead is highly toxic, especially to children under 7 years old. No safe blood lead level in children has been identified. Even small amounts can cause neurological damage, learning disabilities, attention deficits, hyperactivity, irritability, and other behavioral problems. Many of

lead's health effects can be permanent. At high levels, lead can cause brain damage and even death. Children are at special risk due to their small body mass and rapid physical development. Therefore, a focus on ensuring the safety of children's toys is crucial.

The New York State Attorney General is committed to protecting New York State's most vulnerable residents from these risks, and we would expect that Toys "R" Us is as well. We are happy to discuss these matters with a representative for Toys "R" Us. Please contact Nicholas Buttino at (518) 776-2406 or Nicholas.Buttino@ag.ny.gov with any questions.

Very truly yours,



Nicholas C. Buttino
Assistant Attorney General