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Unforeseen Hazards Contribute to Toy-Related Injuries

New report shows how civil justice system improves child safety

Washington, D.C.—Unforeseen hazards are still finding their way into toys despite recently improved safety standards, illustrating the need for a strong civil justice system that protects children and holds negligent manufacturers accountable, according to a new report released today by the American Association for Justice (AAJ).

For years, corporations have knowingly shipped toys with hidden dangers like small parts, loose magnets, asbestos, and other toxic chemicals until outrage from parents and civil actions forced regulators or manufacturers to act.

“As toys have become more sophisticated, so too have the risks associated with them,” said AAJ President Gibson Vance. “Protecting our children requires vigilance from everyone. Regulators, parents, manufacturers, and the civil justice system all play a part in keeping dangerous toys off store shelves.”

For example, earlier this year unsafe levels of cadmium were found in children’s jewelry, a toxic metal known to cause cancer and ranked seventh on a federal list of the 275 most hazardous substances. An investigation found the origin of the metal was likely China, where the use of the toxin had been prompted, ironically, by the recent prohibition of using lead. The U.S. imports more than 30,000 tons of toys every year from foreign markets, accounting now for 95 percent of toys sold in the U.S.

While regulators lack the resources and staff to police the market, parents, consumer groups and the civil justice system have stepped into the void. In 2007, a popular CSI Fingerprint Examination Kit contained a powder found to contain up to five percent asbestos, potentially sending lethal tremolite asbestos into the air and into children’s lungs. Once the hazard was known, manufacturer CBS Consumer Products refused to remove it from store shelves as Christmas approached. Rather than wait for the Consumer Product Safety Commission to negotiate a recall, the Asbestos Disease Awareness Organization filed a civil action to stop sales of the kit.

“As the holiday season approaches, the Kentucky Justice Association urges all consumers to take note of any toy or product that appears to have a potentially harmful defect and report it to the authorities immediately,” said Doug Morris, a Louisville attorney and Kentucky Justice

Association President. “Often, we as consumers get caught up in the festivities and overlook a potentially hazardous product flaw that could have serious a serious impact on health and safety.”

The report, titled, “Playing with Safety: Dangerous Toys and the Role of America’s Civil Justice System,” details how the public learned about little known dangers hidden in today’s popular toys. The report can be found at www.justice.org/toys.

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As the world's largest trial bar, the American Association for Justice (formerly known as the Association of Trial Lawyers of America) works to make sure people have a fair chance to receive justice through the legal system when they are injured by the negligence or misconduct of others—even when it means taking on the most powerful corporations. Visit <http://www.justice.org/newsroom>.

The Kentucky Justice Association was founded in 1954 and represents more than 1,400 members who are dedicated to protecting the health and safety of Kentucky families, to enhancing consumer protection, and to preserving each and every citizen’s right to trial by jury. They also help to educate citizens about their legal rights through their Speakers Bureau and a variety of other informative programs, publications, and community service projects. Visit them on the web at www.kentuckyjusticeassociation.org.