



## INVESTIGATION GUIDELINE

Revised December 2004

### Toys

#### **I. Introduction**

##### **A. Background Information**

According to the Toy Industry Association (TIA), manufacturers introduce 3,000-5,000 new toys into the marketplace each year. TIA is the national association for U.S. producers and importers of toys and its members account for 85% of toy industry sales.

A majority of the toy-related deaths reported to CPSC involve choking or aspiration. The types of toy-related injuries that are reported through the National Electronic Injury Surveillance System (NEISS) usually involve falls from toys, or situations where someone trips over a toy and or is hit by one. NEISS is not the best indicator of which toys may be hazardous or defective. Staff relies heavily on reports/complaints from the public for which specific toys are causing injuries.

There are several Federal standards that address toy hazards. Adherence to these Federal standards is mandatory under law. These requirements are published in the Code of Federal Regulations (CFR), including:

- Title 15 CFR Part 1150 Markings of Toys, Look-Alike and Imitation Firearms that requires identifying features on certain toy firearms to differentiate them from real firearms .
- Title 16 CFR Part 1303 Ban of Lead Containing Paint and Certain Consumer Products Bearing Lead Containing Paint
- Title 16 CFR Part 1500 Federal Hazardous Substances Regulations (FHSA), specifically the sections that cover:
  1. Banned toys and toys exempt from classification as a banned toy
  2. Misbranded (mislabeled) toys
  3. Sound level of toy caps
  4. Technical requirements for determining sharp points in toys for use by children under 8-years-old
  5. Technical requirements for determining a sharp metal or glass edge in toys intended for children under 8
  6. Use and abuse test methods for toys
- Title 16 CFR Part 1501 of the FHSA specifies the method for identifying toys (and other products) intended for children under 3 years old which present the risk of choking, aspiration or ingestion of small parts (investigations that involve small parts should refer to the May 2004 revision of Appendix 48 of the investigation guidelines).

- Part 1505 of the FHSa specifies the requirements for electrically operated toys (or other electrically operated products) intended for children.

The current voluntary standard for toy safety (F963, Standard Consumer Safety Specification for Toy Safety) is maintained by ASTM International. The latest version of this standard takes into account new toy technologies and products in addition to hazards with toys. Among the issues and products covered in the latest revision of the standard are the following:

- Battery-operated toy requirements related to rechargeable and non-rechargeable batteries; use and abuse testing for these types of toys intended for different age groups; and a new “stalled motor” testing protocol.
- Battery-powered ride-on toys (where the power source delivers at least 8 amps for at least one minute) requirements and tests for maximum temperature, stalled motor, nuisance tripping, start/stop and forward/reverse conditions, switch endurance, overload, battery overcharge, short circuit protection and strain relief. In addition, labeling and use instructions for consumers are covered.
- Toys having spherical ends that typically are attached to a shaft, stick or handle (such as a mallet or antennae) may pose the risk of asphyxiation. The spherical end may become lodged in a child’s throat. These types of toys must be designed to minimize the risk.
- Hemispheric toy objects, like a cup, bowl or half of an egg or ball shape which pose the risk of suffocation if sealed over a child’s nose and mouth are covered. Design features of these hemispherical objects must prevent a vacuum from forming by using a divider in the shape, a scalloped edge or strategic holes in the shape.
- Recommendations for limiting noise levels to minimize the possibility of hearing damage caused by sound-producing toys. Benchmark limits and tests methods are provided.

Additionally, there is a voluntary standard for tricycles: ANSI Z315.1 Safety Requirements for Tricycles.

Information collected through toy-related investigations is used to analyze the hazard scenarios, product failures, types of injuries, users of the products, etc. Furthermore, the analyzed data may be used in CPSC efforts such as information/education and standards development.

## B. Product Category Description

### 1. Definitions and General Description

This category of products includes all types of toys regardless of the age of the intended user:

- Dolls
- Stuffed animals
- Powered and unpowered riding toys
- Battery-operated toys
- Gasoline and other fuel-powered models
- Electric toys
- Rocketry sets
- Flying toys

- Play tents, tunnel or enclosures
- Puzzles
- Toy balls and toy sports equipment
- Inflatable and flotation toys
- Building sets and blocks
- Stacking and pull toys
- Toy tools
- Toy weapons and projectile toys
- Toy miniatures, doll houses and doll furniture
- Water toys
- Crayons
- Toy vehicles
- Roller skates
- Pogo sticks
- Games
- Molding compounds

There are some specific toys that are banned under 1500.18 of the FHSA, including lawn darts, clacker balls, dive sticks and certain caps used with toy guns. Toys intended for children under 3 that present a choking, aspiration or ingestion hazard because of small parts are banned. Balls intended for children under 3 that fit through a 1.75 inch diameter opening in a rigid template are banned.

Under 1500.19 of the FHSA, there are strict definitions given for toys (such as ball, small ball, latex balloon, marble, small part, packaging and descriptive material) so that there is no room for doubt about what is meant by these terms under the law.

## 2. Specific Items of Interest

Field investigators shall conduct an on-site investigation, if the product is available. Otherwise, conduct a telephone interview. On-site investigations are the most desirable, since it affords the investigator the opportunity to gather the best information possible.

- a.) Document all manufacturer brand and serial/model information, including production dates if available.
- b.) Identify all labels regarding certification, testing or conformance with mandatory or voluntary standards. The text of any warning and age labeling on or accompanying the product is also of interest and should be documented and photographed, if possible.
- c.) If ingestion or choking was involved, determine the type of toy involved, what part of the toy was involved and if it was the whole or part of a toy. Determine the size of the small part involved. Determine the age of the intended user for the toy suggested by the manufacturer and refer to the small parts investigation guideline (May 2004 revision of Appendix 48) if it appears that a small parts/small toy violation is involved. Choking can occur in other ways besides with small parts; rounded-end toys are a prime example, such as a toy stick/mallet with a rounded end used for playing a toy xylophone or the ball end of the antennae on a toy.
- d.) If the product was obtained second hand, please determine how it was obtained and if any warning or use instructions accompanied the product.
- e.) If the consumer contacted the retailer, distributor and/or manufacturer about the product/problem, please document the response.

f.) Many investigations concerning toys are initiated by the Recalls and Compliance Division. For guidance on collecting samples, refer to the current year "Toy and Children's Products Field Compliance Program".

3. Age Labeling (*Replaces Investigation Guideline Appendix 95, Age Labeling*)

- a.) The goal of age labeling is to provide consumers with guidance for selecting proper toys for children based on the child's age. The Small Parts Regulation of the FHSA bans toys intended for use by children under 3, if the toy presents a choking, aspiration or ingestion hazard from small parts. It is important, therefore, that toy manufacturers accurately determine the appropriate age category for a specific toy and to promote and market it to the intended age group. The characteristics of children in a particular age group should be matched to the characteristics of the toy.
- b.) If the incident appears to be a small parts violation refer to the investigation guidelines on small parts in Appendix 48.
- c.) Determine whether there was any age labeling on the product or its packaging and whether the consumer was aware of labeling. If so, ask if the consumer read and understood the labels at the time of purchase.
- d.) Ask if the labeling was easily seen on the product or packaging.
- e.) Inquire whether the age labeling appeared to be appropriate for the product. Also, ask whether the consumer felt the product to be appropriate for the child for whom it was purchased. Was it too advanced, too simple, or too dangerous?
- f.) For more information on age labeling refer to CPSC's September 2002 publication, "Age Determination Guidelines: Relating Children's Ages to Toy Characteristics and Play Behavior".

C. Headquarters Contacts

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**II. Instructions for Collecting Specific Information**

For an on-site or telephone investigation, it is essential to provide a detailed narrative description of the incident in order to provide a clear understanding of the sequence of events, before, during, and after the incident, and the circumstances involved. If a telephone investigation (rather than an on-site investigation) is done, it is still important to obtain as much information about the product as possible. Ask the respondent to describe the product to you in detail, including features that are unique to that product and product identification, such as the model and date of manufacture. If the respondent does not have the product, determine whether it was returned to the store or manufacturer, or if it was destroyed or discarded. Timely contact with the victim's family will improve the likelihood of accurate recollection by the respondent of the circumstances involved in the incident and of the product still being available.

A. Synopsis

Describe the sequence of events, report the product(s) involved, the victim's activity during the incident and how the victim became injured. Include the victim's age, sex and type of injury. Specify the location (e.g., home, childcare, etc.) where the incident occurred. If a fall-

related incident occurred outdoors (such as with a riding toy), describe the terrain and if indoors, describe the surface to which the child fell.

For data retrieval purposes, please include the following key words in the synopsis as appropriate: CHOKED, SMALL PART, INGESTED, ASPIRATED, SHARP, POINT, DETACHED, ENTANGLED, EDGE, BROKE

B. Description of Product

1. Toy Involved

- a.) Describe the specific type of toy involved. What are its overall dimensions? What type of material is it made of (for instance, wood, metal, plastic, fabric, etc.)? Does the toy have any moving components? How is it intended to be used? Was the child using the toy in the manner for which it was intended?
- b.) If it is a mechanized toy describe how the toy is powered (wind-up, friction, battery, spring, electric, etc.). If possible, describe how the mechanized toy works, including launching and shooting mechanisms.
- c.) What were the manufacturer, brand, model and serial number of the product?
- d.) How old was the product? (Include date of purchase, if known.) Was it obtained new or used? If used, how old was the product when it was obtained and how was it obtained?
- e.) How often was the product used (e.g., daily, weekly, etc.)? How familiar was the child with the product?
- f.) Describe the condition of the product (e.g., like new, well used, damaged, etc.)
- g.) Had the product been modified, repaired or altered in any way? If so, please describe how and why. Had the product ever been disassembled or taken apart? How and for what purpose?
- h.) Did the manufacturer specify any age or weight limitations for the product?
- i.) Was the toy “age appropriate” for the child based on the labeling of the product and did the toy belong to the victim or someone else? If the toy did not belong to the victim, please indicate the age of the child who owned the toy and how the victim obtained it.
- j.) If there was a component failure, determine where the product was primarily used and stored. Was it exposed to the elements or adverse conditions, such as heat, rain, sunlight, snow, etc? How was the product cleaned? Determine the frequency of cleaning and the type of cleaner used.

2. Labeling and Instructional Literature

- a.) Describe any labeling on the product. Indicate where it was located on the product and its exact wording.
- b.) Obtain any instructional literature that came with the product. If the consumer no longer has the literature, did they review it when the product was first obtained? Were there any warnings or cautionary statements in the literature?
- c.) Was the product used according to the manufacturer’s recommendations?

3. Guidance on Investigating Specific Products

**Riding Toys**

*This portion of the Toy Guidelines replaces Appendix 81 for tricycles and Appendix 85 for riding toys*

- The category of riding toys includes: tricycles, wagons, unpowered scooters, non-wheeled riding toys (such as, rocking horses), powered riding toys and unpowered wheeled riding toys. Skateboards and powered scooters are not considered to be riding toys.
- Was the riding toy purchased new, borrowed or received second hand?
- Was the child familiar with the riding toy and its operation? Approximately how many times had the child ridden the toy?
- Did the child know the correct way to sit on/use the toy? What position was the child in on the riding toy at the time of the incident? Was the riding toy age appropriate for the user? Did the toy fit the child (too big, too small, etc.)? Did the child's feet reach the pedals/footrests?
- Did the child have any balance or coordination problems? Was the riding toy easily maneuvered by the child? Did the child attempt a maneuver that was too sudden or at too great a speed to maintain control?
- Were any other children involved in the incidents besides the victim? Were they on the toy or bystanders? Was any inappropriate use of the toy or "horse play" involved in the incident?
- One of the main causes of incidents with riding toys is falls. In some instances the falls may be the result of a stability problem with the riding toy. If that is the case, please describe the cause of the instability, if known. Was it due to the design, some type of hardware failure, etc.? Please describe the surface or object the child fell onto.
- Falls from riding toys can also occur due to the surface/terrain conditions on which the child was riding. Did the child hit an obstacle in his path, a crack or hole in the surface or drop off the edge of a paved surface? What speed or how fast was the user operating the product?
- If the riding toy failed, was it due to failed hardware, poor construction, failed welds, etc.?
- If the incident was the result of an entrapment in some part of the riding toy, please describe, measure and photograph the entrapment space. Also specify the body part that became entrapped and how. Was the entrapment due to a failure of the product or did the entrapment space exist due to the design of the toy? If structural entrapment was involved, refer to the structural entrapment investigation guideline, Appendix 35.
- If the incident involved a pinch point on the riding toy, describe how the pinching action occurred and to what part of the body. Photograph or diagram the location of pinch point on the vehicle.
- If the injury was due to sharp or moving parts on the toy vehicle, please describe the part(s) involved and how the child came in contact with them.

- Many of the wheeled riding toy fatalities are the result of collisions with motor vehicles and incidents where the toy vehicle is ridden into water, resulting in drowning.
- Although staff rarely assigns a motor vehicle incident involving a riding toy, if an incident of this sort was assigned describe how the riding toy came in contact with the motor vehicle. Did the child normally ride in the street?
- Drowning is the new strategic goal in the children's products area. Cases where children rode or fell into a swimming pool or spa on/with their toy vehicle and drowned should be investigated as a submersion and not a toy case, unless the toy vehicle failed, resulting in the submersion.
- Head injuries, drowning and major trauma are often the result of incidents with riding toy. Make sure to describe the extent of the injuries and any possible prognosis.
- Was the child wearing a helmet? If so, what type of helmet were they wearing?
- Was the weather or lighting a factor in the incident?
- Describe the overall condition of the product. Were any parts missing or damaged? Were there any repairs or modifications made to the riding toy? If any maintenance was required to keep the riding toy in good working order, was it done regularly and when was the last time before the incident.
- Was the riding toy assembled by the consumer or the retailer, or did it come from the manufacturer pre-assembled?
- Had the seat, handlebars, pedals, wheels, suspension, etc. been adjusted in any way and by whom? Were quick release mechanisms involved?
- Were there any brakes on the toy to stop it and if so, what was the mechanical method of braking?
- Did the toy vehicle have any horns, bells or lights?
- If a wagon was involved and the child fell from it, include side height measurements.
- If a rocking horse was involved, the weight of the horse itself and the height of the seat from the ground may be a factor. Please try to determine an approximate weight (if the actual weight is known through packaging or instructions, please record) and measure the height of the seat from the floor.

#### **Small Parts Associated with Toys, Small Balls, Balloons and Marbles**

*Consult the current investigation guideline on small parts/objects (Appendix 48, Revised May 2004).*

#### **Stuffed Toys**

- Loose eyes or noses on stuffed animals can present a choking hazard. Although rarely seen today, this is a hazard to be aware of. If an incident of this type occurs, it is a small parts violation and it will be necessary to refer to the current guideline for small parts investigations, Appendix 48.

- If a suffocation/positional asphyxia death occurred involving a stuffed toy, it is important to determine exactly where the incident occurred and what position the child and toy were in when found.
- CPSC often receives reports of fibers detaching from the surface of a stuffed toy, resulting in a choking hazard. Although, no deaths have occurred in this manner it is a possible issue. If a serious non-fatal or fatal choking incident occurs, please determine, if possible, the fiber content and type (such as, deep pile, shaggy, looped, etc.).
- A known choking hazard is the stuffing contents of stuffed toy. This can occur if a seam opens and exposes the contents or the toy develops a hole or tear. If this occurred, please describe the stuffing (beads, pellets, fiber fill, etc.). Also describe how the contents were released.

### **Flying and Projectile Toys**

*This portion of the Toy Guidelines replaces Appendix 79 for toy guns and other toy weapons with projectiles.*

- Describe the type of projectile or flying toy (such as a gun, helicopter, etc.).
- Although fatalities are rare with this category of toy, some of the injuries can be severe, especially eye injuries.
- The most common type of injury with flying and projectile toys is laceration or puncture wound. However there has been at least one fatality in recent years where a child choked on a dart from a toy gun.
- Many of the flying and projectile toys involve some type of launching or trigger mechanism. If the incident involves a toy that employs one of those mechanisms, try to determine what type of launcher and power source it has (spring-loaded, rubber band, etc.) and how the user operates it.
- If an object is being launched or shot that is not part of the toy (a substitute projectile), indicate what it was.
- Describe the distance the projectile normally travels. If a victim was hit by the projectile, determine the distance from the victim to the originating source.
- Toy weapons that shoot projectiles present a puncture or laceration hazard. BB guns, however, are not considered a toy and do not fall into this category. The danger with the projectile toys is in the characteristics of the projectile itself and the velocity with which it is propelled. It is important to thoroughly describe the projectile. What was the size and shape of the projectile? Was the tip soft, sharp, rounded, pliable, a suction cup, etc. and what was the projectile made out of?
- CPSC staff has conducted corrective actions with flying dolls/figures. Once the doll was launched the wings/blades attached to the dolls became a laceration hazard as they spun. Some of the injuries were eye-related. These products are no longer common in the marketplace, but if an incident does occur it is important to determine what the blades were made of (hard plastic, foam, etc.) and the extent of the injuries. Adults as well as children have been injured with these products.



- Launched flying helicopters present the same type of hazard as the flying dolls. The blades can present a laceration hazard.

### **Toy Ovens**

*This portion of the Toy Guidelines replaces Appendix 80 for toy ovens.*

- Determine the setting of the controls on the toy oven at the time of the incident.
- Describe what was being cooked in the oven at the time of the incident and whether there were any instructions for cooking it properly.
- Were there any warning labels on the oven? If so, where were they on the product (photograph, if possible) and did the child comprehend the warning message.
- Were there any specific operational instructions provided with the product and did the child understand them?
- When the child used the oven was he/she supervised? Was there adult supervision when the incident occurred?
- What was the temperature range of the oven and what was the heat source (a light bulb, for instance)?
- Was the outside surface of the oven generally hot to the touch? Was the oven insulated and if so, with what type of insulation and where?
- If burns were received by the victim, specify the degree of the burns and what part of the oven or its contents that the victim contacted.
- If sharp or rough edges on the structure of the toy oven were a factor, describe the part of the oven where they were located.

### **Toy Chests**

- The greatest hazard with toy chests is entrapment. If the injury was the result of an entrapment in a toy chest, refer to the structural entrapment investigation guideline, Appendix 35 in conjunction with this guideline. Children have had toy chest lids come down on their head/neck and have also become trapped inside toy chests. These hazards can present the risk of strangulation or suffocation. Toys chest lids should have mechanisms/hinges to keep lids open while in use and toy chests should have ventilation holes. Please specify whether proper hinges and ventilation was present.

### **Rocketry Sets**

- Was the product purchased as a kit or was it homemade? How much assembly was required by the consumer and was the way in which it was assembled a contributing factor in the incident? Were the directions read and understood?
- Was the victim familiar with the product? How many times had he/she used it before? Was the product difficult to use? Were the product instructions easy to understand and were the instructions followed by the victim and/or operator? What was the age recommendation for the intended user of the product?
- Did the product require more than one person to operate?

- Had the product been intentionally modified in any way? If so, please describe how and why. Had the product been damaged in any way prior to its use?
- Was the victim injured during the launch, flight or descent of the rocket?
- Was protective equipment, such as goggles, used by operator or bystanders and was it recommended in the product instructions?
- Describe the terrain. Was the ground level over a large area, such as a football field or a small area?
- Describe the weather. In particular, was it windy and could the winds at ground level and/or upper levels have contributed to the incident?
- Was the system handheld or a ground-based launch system? If it was a ground-based system, was the base of the rocket on a level surface? If not, please describe the surface. Was the rocket propped up in some manner?
- At the time of the incident, was the rocket set up for a vertical launch? Were any precautions taken to ensure that it could not tip over prior to or during a launch? Does the launch stand allow for multiple launch angles? If so, at what angle was the rocket?
- Was the launch base sturdy? Could it be easily jarred? If the launch base was homemade, please describe.
- If there were protective features on the system, were they in use at the time of the incident or had they been defeated in some manner?
- Were the correct rocket engine, fuse and igniter being used?
- Did the rocket fire prematurely or unexpectedly? If so, did the victim approach the rocket?
- Did the victim approach the rocket because of some other problem during the incident?
- Was there a countdown prior to launch by the product or operator? Were all bystanders a safe distance from the launch site, and flight and descent path?
- Was the speed of the launch underestimated?
- Was the rocket visible at all times during flight and descent?
- If the rocket was air-powered, was the rocket launched by the correct method?
- If a “stomp rocket” was involved, did stomping on the air bladder cause the user to be in the path/trajectory of the launched rocket?

**Powered Model Airplanes/Helicopters**

- How large was the vehicle and what was the wing and/or blade span?

- Was the product purchased as a kit, pre-assembled or homemade? Was the model assembled correctly? Had it been modified or damaged in any way? Were the directions followed?
- For what ages was the product intended? Were there any adults supervising, if children were the operators?
- Was the victim injured during flight, ascent or descent? Was the model visible at all times during its flight and descent?
- How familiar was the victim and/or operator with the operation of the model? Was the model difficult to operate? Did it take more than one person to operate the model?
- Was any protective equipment worn by the operator and/or suggested in the instructions?
- If the victim was struck, describe how and why.
- If the product was a tethered model, did the tether break, contributing to the incident? If so, how did the tether break?
- Was the tether altered in any way such as, lengthened or shortened?
- Were there any power lines in the flight field that contributed to the incident?
- If the model was radio-controlled, did a loss of signal/range contribute to the incident?
- If the model was gas-powered, was the correct fuel mixture being used?
- Describe the weather and indicate if wind was a factor in the incident.
- Were all bystanders a proper distance away from the flight path of the model? How large of an area was being used to fly the model?
- Was there any interference with the flight such as an object or person?

#### **Model Vehicles**

- Was the model purchased as a kit, pre-assembled or homemade? Was the model assembled correctly? Had the model been altered or damaged in any way? For what ages was the model intended?
- Were use directions followed? Did the model take more than one person to operate? If a child was the operator, was there adult supervision?
- Were vehicles being raced side by side? Were vehicles being purposely crashed?
- Was the track smooth and free of debris? Describe the terrain and size of the area in which the model was being used.
- What powered the vehicle? Was it a model rocket car, radio controlled, etc?
- Did the vehicle start prematurely/unexpectedly?
- Were there any problems that led the victim to approach the vehicle?

- If the model was tethered, did the tether contribute to the incident in any way?
- Were bystanders a proper distance away from the track of the vehicle? Was there any interference on the part of a bystander or an object?

#### **Battery-Powered Toys**

- One of the hazards with any battery-powered product is the potential for the batteries leaking, even though the battery itself is not a toy. Since this category of toy will not function without the power source, the battery is considered to be a component part of the toy. Battery electrolyte can cause burns and is of special concern when children are the intended users. If leaking has occurred, describe the type and size of battery, how many batteries were involved, and how many batteries were in the compartment. What was the brand(s) of the battery involved? Were the batteries inserted correctly? Was the leakage contained to the battery compartment or did it leak out? How did the child come in contact with the leaking electrolyte?
- Another potential hazard is a child gaining access to the batteries in the toy with a possible outcome of ingestion. If this type of incident happened, please describe how the child accessed the batteries. Was there a cover on the compartment or was it missing? Did the child open the battery compartment? Also, describe the battery compartment and the method by which it was secured shut.

#### **Electrically Operated Toys**

- Part 1505 of the Federal Hazardous Substances Regulations (FHSA) covers the mandatory requirements for electrically-operated toys or other electrical products intended for use by children. This regulation covers labeling, design and construction, performance, and surface and material temperatures.
- Under the Federal regulations the definition of an electrically-operated toy for use by children is one powered by current from 120 volt branch circuits. This does not include components of the toy which are powered by circuits of 30 volts or less, products primarily for use by adults which may be used by children or video games.
- Hazards with electrically operated toys may include shock, fire or overheating. If a fire or overheating was involved in the incident, please determine the source i.e. heating element, electrical cord, etc., if known.
- If the injury involved an electrical shock, determine exactly what the child was doing when it happened. Was the toy near water or liquid or even submerged? Were frayed electrical cords or damaged plugs involved?
- Determine if the toy was plugged into a ground-fault circuit interrupter (GFCI) at the time of the incident.
- Electrically operated toys, their instruction sheets and packaging must have specific labeling detailed in 1505.3 of the FHSA. Describe any and all labeling on the product, package and instructions (if available) in detail and photograph the labels/warnings as they appear. 1505.3 describes the labeling for thermal and electrical hazards, date of manufacture and electrical ratings, among other things.

### **Toys Containing Liquid Chemicals**

- In the past, CPSC staff identified a number of liquid-filled children's toys, such as balls, bubble watches, necklaces, key chains and maze toys that in several cases contained hazardous chemicals which present a risk of poisoning, chemical pneumonia and skin or eye irritation. It is also possible that some chemicals may be combustible. 1500.231 of the FHSA provides specific guidance on hazardous liquid chemicals in children's products.
- 1500.231 of the FHSA gives guidance to the public to help reduce the risk of exposure to such chemicals as xylene, mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene and related chemicals.
- The hazard with liquid-filled toys is that if they contain any hazardous chemical it may become accessible to a child through use, thus putting the child at risk. A young child could be exposed to the chemicals from mouthing, or hand to mouth or hand to eye activity with the toy. This would be especially true if the toy were damaged, cracked or punctured, allowing the liquid to escape.
- Under the FHSA, products that are toxic or irritants that may cause serious injury or illness under foreseeable use or misuse conditions (such as ingestion) by children are considered hazardous substances (15 U.S.C. 1261). A toy that contains an accessible and harmful amount of a hazardous chemical is banned. CPSC staff considers which products are in violation on a case by case basis.
- If a liquid-filled toy was involved in the incident and the presence of a hazardous chemical is known or suspected the investigation should proceed as a regulated product investigation.

### **Toys Containing Lead or Painted with Lead-Based Paint**

- CPSC has banned (16 CFR Part 1303) paint and other surface coatings that contain more than 0.06% lead, as well as toys intended for children bearing lead-containing paint.
- 1500.230 of the FHSA contains guidance for lead in consumer products and the risk of exposure.
- Lead poisoning in children can result in long-lasting or permanent health problems, such as neurological damage, delayed development, learning disabilities, attention deficit and hearing loss. Children can be exposed to lead from direct mouthing of a toy or from handling the toy and then putting their hand(s) to their mouth.
- If the incident toy is suspected or known to have lead, the investigation should proceed as a regulated product investigation.

#### **C. Description of the Victim**

1. What was the age of this child (in years and months) at the time of the incident? Also, include the child's date of birth.
2. What were the height and weight of the child at the time of the incident?
3. What is the sex of the child?

4. What developmental abilities did the child display? Could the child walk, roll over, sit up, talk, etc.?
5. Was the victim suffering from any type of illness at the time of the incident? Was the victim taking any medication(s)?
6. Please describe the type(s) of injury incurred in the incident, including the part of the body involved. If the incident resulted in a fatality, please determine the official cause of death.
7. Describe the medical treatment (e.g., tests, x-rays, sutures, cast, observation, oral or topical medication, etc.) received by the injured child and include the long-term prognosis. Specify whether the treatment was at home, in a doctor's office/clinic or at a hospital. If the child was hospitalized, document the length of the stay.

D. Description of Environment

1. Indicate whether there were any other children involved in the incident? If so, how old were they?
2. Was the child being visually supervised while the toy was in use? If so, did the caregiver actually see the incident occur?
3. Specify whether the incident occurred indoors or outdoors. If it was outdoors, indicate if weather or terrain was a factor.

**III. Instructions for Photographing and/or Diagramming the Product**

Photograph and/or diagram the entire product and obtain relevant measurements of product components related to the incident, such as areas of entrapment. Components of the product that were specifically involved in the incident should be photographed in detail from all angles, including close-ups. Try to provide visual cues to indicate the size of items in the pictures.

Product labeling should also be photographed or diagrammed, indicating the position of the labeling on the product and the content of the labeling.

**IV. Instructions for Obtaining Documents Related to the Investigation**

If the incident resulted in a death, obtain copies of any official reports such as, police, EMS or coroner's/medical examiner's reports that are available. If a severe injury was incurred and there are any official reports related to the incident, obtain those also. Obtain copies of any assembly instructions and owner's or safety manuals that came with the product. If an instructional video was provided with the product, please indicate what information was covered in the video. Whether literature or a video was provided, ask the consumer/caregiver to describe his understanding of the product's assembly and use instructions.

If the consumer has had any correspondence with the manufacturer, please obtain copies of the documentation.