

NEWS RELEASE



Attorney General Edmund G. Brown Jr.
California Department of Justice
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FOR IMMEDIATE RELEASE

November 19, 2007

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Brown Sues Toy Companies For Lead

LOS ANGELES—California Attorney General Edmund G. Brown Jr. and Los Angeles City Attorney Rockard J. Delgadillo today sued twenty companies for manufacturing or selling toys with “unlawful quantities of lead.”

Commenting on the lawsuit which was filed today in Alameda County Superior Court, Attorney General Brown said, “Companies must take every reasonable step to assure that the products they handle are safe for children and their families and fully comply with the laws of California. Despite the lengthening global supply chain, every company that does business in this state must follow the law and protect consumers from lead and other toxic materials.”

“Lead in toys poses a significant threat to the health and well being of our children,” said Los Angeles City Attorney Rocky Delgadillo. “This lawsuit is intended to ensure that these companies eliminate lead and other harmful substances from children’s toys, once and for all.”

The state’s lawsuit alleges that companies knowingly exposed individuals to lead—a chemical known to the State of California to cause cancer and reproductive harm—and failed to provide any warning about this risk. Under the Safe Drinking Water and Toxic Enforcement Act of 1986, known as Proposition 65, businesses cannot expose individuals to hazardous chemicals without posting a clear warning.

Proposition 65 is enforced through lawsuits brought by the attorney general, district attorneys and city attorneys in cities with a population exceeding 750,000. Lawsuits may also be brought by private parties, but only after these parties notify the attorney general of the alleged violation.

The California Attorney General—who successfully negotiated settlements in the past to remove lead in candy, soda bottles, jewelry and other consumer products—launched an investigation into toy manufacturers and retailers after the federal Consumer Product Safety Commission began issuing recall notices for toys that exceeded federal lead limits. Beginning with the recall of 1.5 million Thomas the Tank Engine toys in June, 46 toy products have been recalled for excessive levels of lead—totaling approximately 6 million toys this year.

Following the national recall, the attorney general received notices of impending lawsuits against toy companies from the Center for Environmental Health, Environmental Law Foundation, and As You Sow. Under Prop 65, private parties must notify the attorney general of the allegations before bringing a lawsuit. The attorney general then has the option to take over these lawsuits or allow the complaints to proceed independently.

Although Proposition 65 only requires companies to post hazard warnings, many businesses choose to eliminate the toxic chemicals altogether. Last year, the attorney general prompted over 70 retailers and distributors to meet tougher lead standards for jewelry. Many companies subject to today’s lawsuit have

indicated they are also committed to taking measures to ensure that lawful standards are met in the future.

Businesses that violate Proposition 65 are subject to civil penalties of up to \$2,500 per day for each violation. In addition, courts may order businesses to stop committing the violation. Today's lawsuit seeks to remedy past violations and prompt manufacturers and retailers to establish processes that prevent toys with lead from being sold in the future.

Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, birth defects or other reproductive harm. Lead has been listed since 1987 as a chemical that can cause reproductive harm and birth defects, and has been on the list of chemicals known to cause cancer since 1992.

Lead is a toxic metal that damages the nervous system and other organs. Children are particularly susceptible to the risks of lead exposure. Children can ingest the lead in toys when they place the toys in their mouths, handle the toys and then touch their mouths, or transfer the lead from the toys to other items such as food.

Companies subject to today's lawsuit include: Mattel, Fisher-Price, Michaels Stores, Toys R Us, Wal-Mart, Target, Sears, KB Toys, Costco Wholesale, A&A Global Industries, RC2 Corporation, Eveready Battery Company, Kids II, Kmart, Marvel Entertainment, Toy Investments.

For more information about Prop 65 and to view the private party notices please visit: <http://ag.ca.gov/prop65/index.php>. For more information about the national toy recall, please visit the Consumer Product Safety Commission at: <http://www.cpsc.gov/cpscpub/prerel/prerel.html>

The state's lawsuit is attached.

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