



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

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**Letter to US candy importers – July 9, 2004**

Re: Candy wrappers containing lead or bearing lead-containing ink

Dear Owner / Manager:

The U.S. Consumer Product Safety Commission (CPSC), an agency of the United States Government, is responsible for administering the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and other statutes. The CPSC is responsible for protecting consumers in the United States from unreasonable risks of injury associated with consumer products. The CPSC staff is aware of several brands of candy manufactured in Mexico that are wrapped in wrappers containing lead or bearing lead-containing ink. We have analyzed several samples of the wrappers, and have found various levels of lead in or on the outside of many of the wrappers. The staff is concerned about the risk of lead poisoning to consumers, in particular, young children who handle candy with wrappers that contain or bear lead.

Young children are most commonly exposed to lead in consumer products from the direct mouthing of objects, or from handling such objects and subsequent hand-to-mouth activity. The adverse health effects of lead poisoning in children are well-documented and may have long-lasting or permanent consequences. These effects include neurological damage, delayed mental and physical development, attention and learning deficiencies, and hearing problems. Because lead accumulates in the body, even exposures to small amounts of lead can contribute to the overall level of lead in the blood and to the subsequent risk of adverse health effects. Therefore, any unnecessary exposure of children to lead should be avoided.

Under the FHSA, 15 U.S.C. § 1261(f)(1), substances that expose children to hazardous quantities of lead under reasonably foreseeable conditions of handling or use are “hazardous substances.” Any hazardous substance which contains a hazardous amount of lead that is accessible for children to ingest is a banned hazardous substance. 15 U.S.C. § 1261(q)(1)(A). The staff’s determination that a substance presents a risk of lead poisoning will likely result in the CPSC staff seeking a recall of that product through the U.S. importers and other distributors of the product. The CPSC issued a guidance policy in 1998 urging manufacturers to eliminate lead in consumer products. You may access this guidance policy at <http://www.cpsc.gov/BUSINFO/frnotices/fr99/lead.pdf>. In addition, the CPSA, FHSA, and other laws and regulations administered by the CPSC can be viewed from CPSC’s web site at [www.cpsc.gov](http://www.cpsc.gov). Please contact me if you do not have access to the Internet, and I will mail you paper copies of documents that may be of interest to your firm.

**We request that any future imports of candy be halted until you ensure that the wrappers do not contain lead or bear lead-containing ink.**

You should be aware that distribution and sale of a banned hazardous substance or a misbranded hazardous substance is a prohibited act under section 4 of the FHSA. Any person who violates any of the provisions of section 4 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than \$5,000 (\$10,000 for organizations) or to imprisonment for not more than ninety days, or both. For offenses committed with intent to defraud or mislead, or for second and subsequent offenses, the penalty shall be imprisonment for not more than one year, and/or fines as follows:

Organizations:

Not more than \$200,000 if the offense does not result in death.

Not more than \$500,000 if the offense results in death.

Individuals:

Not more than \$100,000 if the offense does not result in death.

Not more than \$250,000 if the offense results in death.

You could also be subject to civil penalties under the CPSA of up to \$7,000 per product up to \$1.65 million for failure to comply with the reporting requirements set forth in Section 15(b) of the CPSA. In addition, your firm could be enjoined from importing or selling the misbranded or banned products, and the misbranded or banned products could be seized to prevent their further distribution.

We appreciate your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Alan H. Schoem". The signature is written in a cursive, slightly slanted style.

Alan H. Schoem