

CPSC and KMC USA Inc. Announce Recall of Spray String

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), KMC USA Inc., of Franklin Park, Ill., is voluntarily recalling more than _____ cans of Party Time "Happy String." The product, used like confetti at parties, is hazardous if sprayed near an open flame due to the flammability of the propellant used with the product. The product fails CPSC's Flammability Standard. Use of the product around flame sources, such as birthday candles, could result in serious burn injuries if the spray contacts a flame. (The spray string was sold at Dollar Tree, Dollar Bills and Only \$1.00 stores nationwide between October 1998 and January 1999 for about \$1.)

Dollar Tree received a report of a 4 year old boy that was burned on his face and hand when some of the string ignited when it came into contact with lit candles on the boy's birthday cake.

Party Time Happy String comes in round metal spray containers about 5-inches high. The cans are mostly white, with various color plastic caps, and contain 1.75 ounces of liquid chemical. "PARTY TIME" is written on the can in different colored block letters, and "Happy String" is depicted as if it is being sprayed from a can of the spray string. Additional writing on the cans include, "MADE IN KOREA" . . . "IDEAL FOR DECORATING WALLS, TABLES, TREES, PEOPLE, ANYTHING..."

Consumers should take this spray string away from children and stop using it immediately. It can be returned to any Dollar Tree, Dollar Bills or Only \$1.00 store for a refund. For more information, call Dollar Tree Stores, Inc. toll free at 800-876-8077 anytime.

DRAFT

January 13, 1999 (10:31am)

69

HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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DIRECT: (757)629-0604
E-MAIL: bberman@hnlaw.com

January 13, 1999

VIA FACSIMILE - 301-504-0359

Mr. Frank Krivda
United States Consumer Product Safety Commission
4330 East West Highway, Room 613
Bethesda, MD 20814-4408

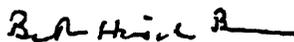
Re: **Dollar Tree Stores, Inc. ("Dollar Tree")
Happy String
SKU #77984**

Dear Mr. Krivda:

Attached find our revised draft press release. Dollar Tree is voluntarily participating in the recall of the referenced product and will place recall posters in its stores. However, since Dollar Tree was merely a retailer of the product and not a manufacturer, importer or distributor, it should not be identified in the press release as one of the parties recalling the product.

The revised press release also corrects some inaccuracies in the draft and is patterned in part on a press release issued several years ago by the CPSC for a similar product. Dollar Tree is in the process of counting the number of cans of product remaining in its possession so that it can identify more accurately the number of cans being recalled.

Sincerely yours,



Beth Hirsch Berman

BHB/mrf
Attachment



UNITED STATES GOVERNMENT



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

DIRECTORATE FOR LABORATORY SCIENCES
DIVISION OF CHEMISTRY

AUTOMATIC TELEFAX TRANSMISSION
VOICE: 301-413-0039 FAX: 301-413-0000

1.	TO: <u>F. Krivda</u> (Name) (Organization Code)
2.	NUMBER OF PAGES TRANSMITTED: _____
3.	SUBJECT: <u>99-490-1154</u>
4.	TRANSMITTED BY: <u>S. Sander</u> LSC (Name) (Organization Code)
5.	REMARKS: _____

NOTE: If all pages are not received, or if you have problems with this transmittal, please contact the person listed above.

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THANK YOU.

69

LABORATORY/COMPLIANCE SUMMARY		Sample Number: 99-490-1154
2. Laboratory Summary: Party Time Happy String Flame Extension and Flashback (16CFR 1500.45) Eight units tested 4 shaken and 4 unshaken. All units exhibited Flame Extension in excess of 18 inches, all exhibited flash back to the nozzle. The flame extension and flash back were apparent when the item was tested in the upright, sideways or upside down positions. Analysis for Composition: Qualitative analysis was done on head space gases. Propellant is propane, iso-butane, butane Dimethyl ether was present in a large amount relative to the propellants.		
Original to: CE-Krivda ; Copies to : CRM, LSC		
3. Name and Title <i>Warren K. Porter, Jr.</i>		Date: 1/11/99
Warren K. Porter, Jr., Dir. LSC		
4. Firm Name: _____ ; Product: _____		
City, State: _____ ; Model#: _____		
5. Compliance Assessment:		
5. 11(c) Notice: Mfr/Imp.: _____ ; Retailer: _____ ; Other: _____		
Original Records to: _____ ; Copies: _____		
7. Name and Title:		8. Date:

FILE COPY

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LABORATORY REPO		1. PRODUCT Party Time Hap String	2. SAMPLE NUMBER: 99-490-1154
3. SEALS: intact		4. DATE REC 01-11-99	6. LABORATORY LSC
7. SAMPLE DESCRIPTION: 20 units of sample were received in a FedEx Box. There was no seal on the box.			
8. LABELING attached	9. CUSTOMS ENTRY NO. N/A	10. LOT/MODEL# N/A	
11. Product Description: aerosol containers with party time happy string			
12. Analytical Results: 8 units of sample were tested in accordance with CFR 1500.45. 4 units were not shaken and 4 units were shaken prior to testing. The string of the all 8 containers caught fire and back to nozzle when tested in upside ^{right} and sideways position of the containers. The string also caught fire in 4 out of 8 units when tested in upside down position of the container. (Extension = 18") _{NO} Headspace analysis of volatile from containers by GC/MS shows it contains propane, isobutane, dimethyl-ether and butane.			
13. Reserve Sample: sample was sealed in cardboard box and kept in storage room for warehouse pickup.			
15a Analyst Signature <i>Shawna K. Jean</i>		15b Date 01-11-99	
16 Check analyst Signature		16b Date	
17. Report Checked by <i>MSJ</i>		17b Date <i>1/11/99</i>	

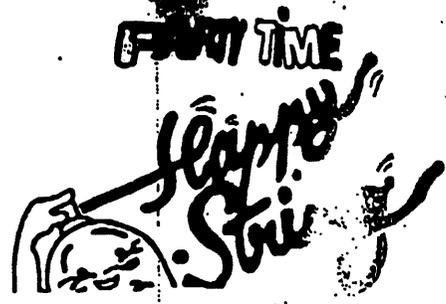
71

03KT
1-11-99

FOR
PARTY
WALLS
TREES, PEOPLE
Etc.
DRIES LEAVING
EASY CLEAN
COLOURED STRING.
CAN CONTAINS
FLAMMABLE
PROPELLANT,
FREE FROM CFC's

THIS PRODUCT IS
NOT HARMFUL TO
SKIN OR THE
ENVIRONMENT.

CAUTION:
PRESSURIZED CONTAIN
DO NOT PUNCTURE
DO NOT SPRAY ON FLAME CONTAINERS
INTO OPEN FIRE
STORE BELOW 120°F (49°C)
THIS AEROSOL CAN CONTAINS NO CFC's



99-490-1154-20
CPSC

NON TOXIC
HAPPY STRING SPRAY
IS A FUN PARTY
PRODUCT.

IDEAL FOR
DECORATING WALLS
TABLE, TREES, PEOPLE
ANYTHING.

SPRAY ON & LEAVING
A FIRM EASY CLEAN
COLOURED STRING.

THIS CAN CONTAINS
NON-FLAMMABLE
PROPELLANT,
FREE FROM CFC's

THIS PRODUCT IS
NOT HARMFUL TO
SKIN OR THE
ENVIRONMENT.

CAUTION:
PRESSURIZED CONTAIN
DO NOT PUNCTURE
DO NOT SPRAY ON FLAME CONTAINERS
INTO OPEN FIRE
STORE BELOW 120°F (49°C)
THIS AEROSOL CAN CONTAINS NO CFC's



99-490-1154
CPSC

IF NOZZLE STILL BLOCKED,
REMOVE BLOCKAGE WITH A PIN.

SHAKE WELL BEFORE USING
AND WHILE USING.

1.75OZ

IF NOZZLE STILL BLOCKED,
REMOVE BLOCKAGE WITH A PIN.

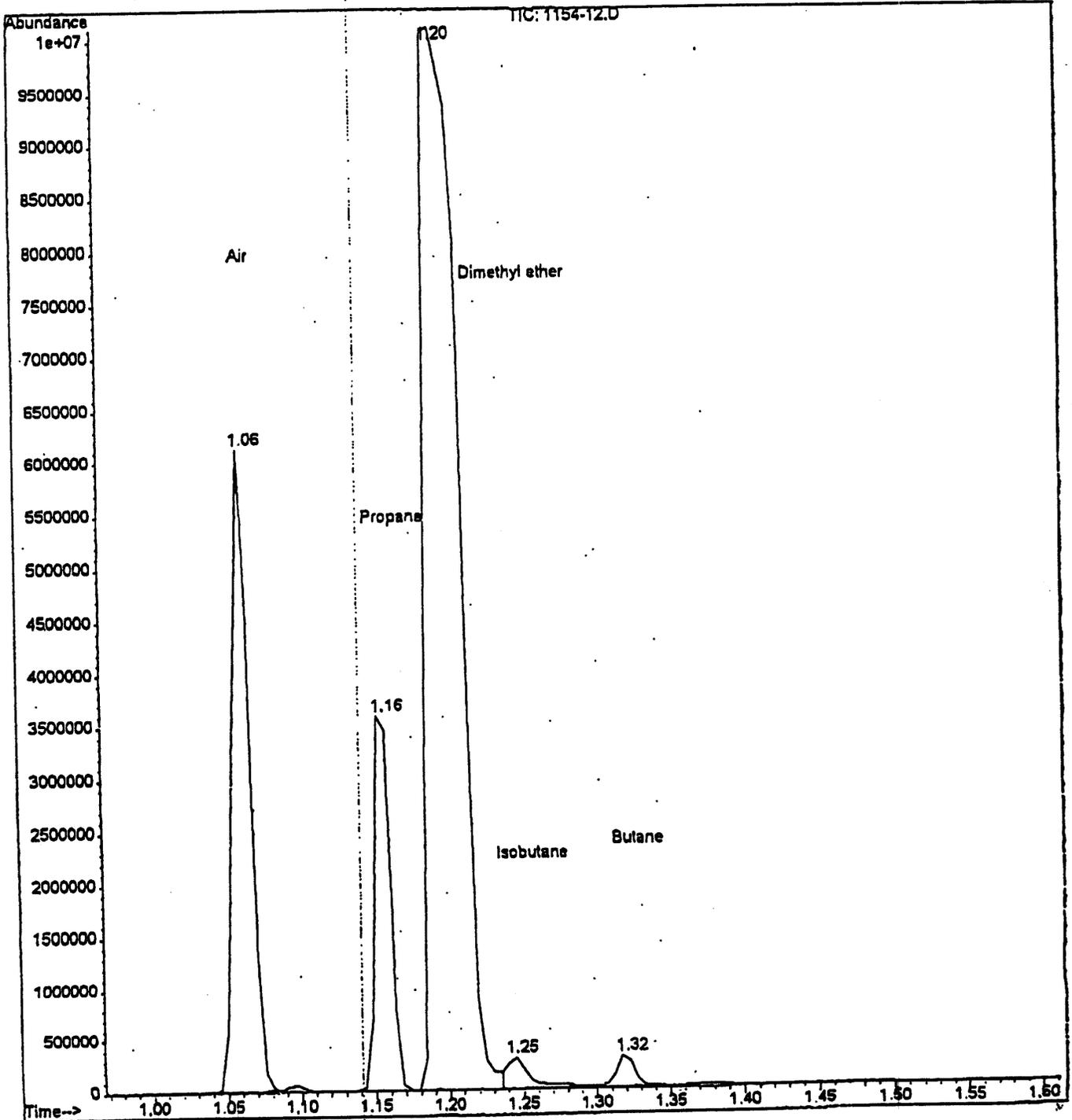
SHAKE WELL BEFORE USING
AND WHILE USING.

PRODUCE MADE IN KOREA

22

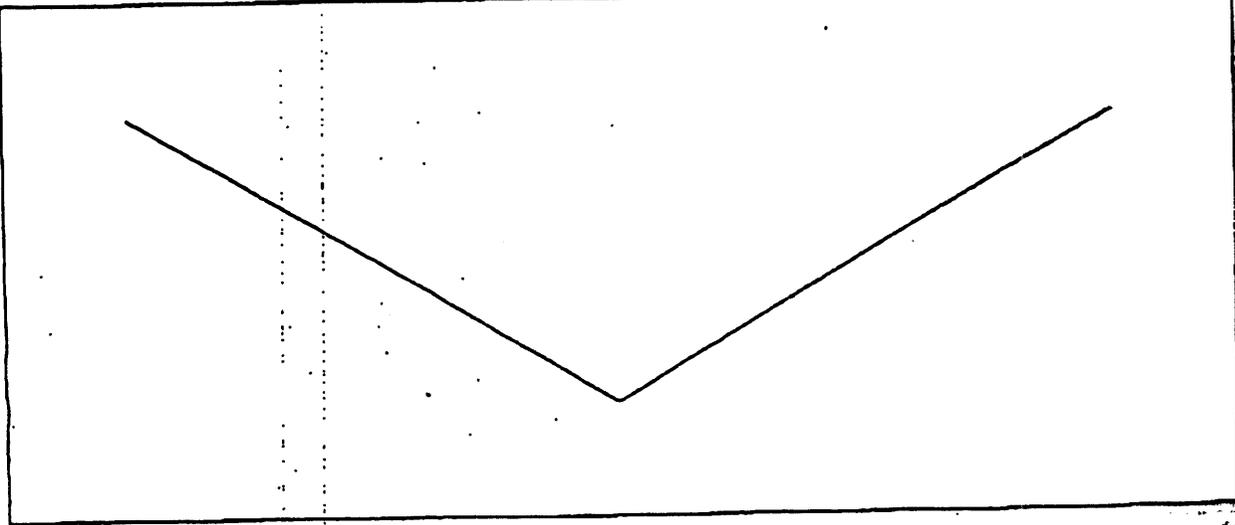
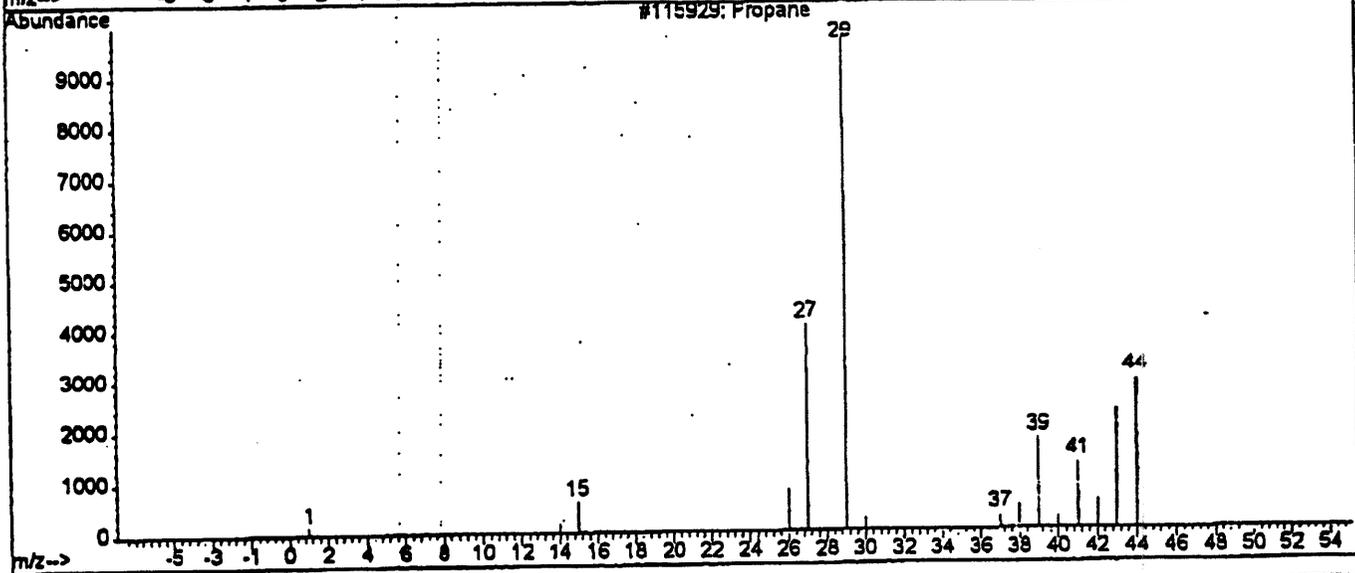
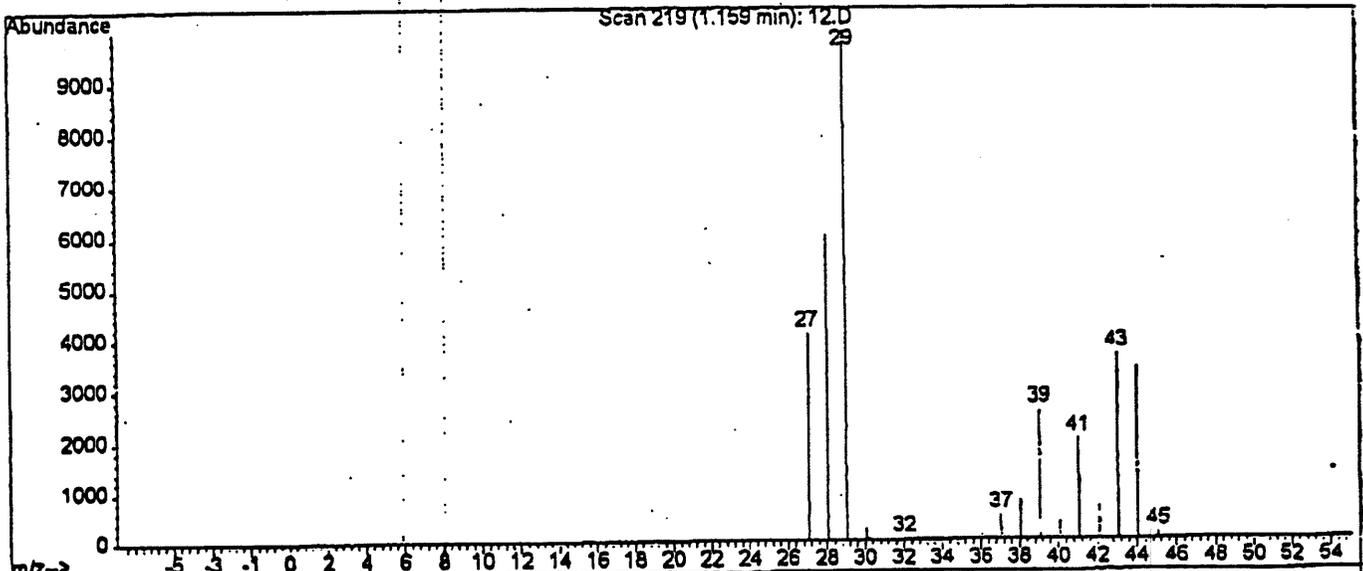
BKT
1-11-99

File : C:\HPCHEM\1\DATA\BKJ99\1154-12.D
Operator : Chen
Acquired : 11 Jan 99 2:26 pm using AcqMethod GAS
Instrument : GC/MS Ins
Sample Name: 99-490-1154-12, head space
Misc Info : 50 ul, 50(5 min)/20/250C
Vial Number: 1



JAN-14-1999 16:13
LIBRARY SEARCHED : C:\MSDCHEM\WIND1130.D
Quality : 90
ID : Propane

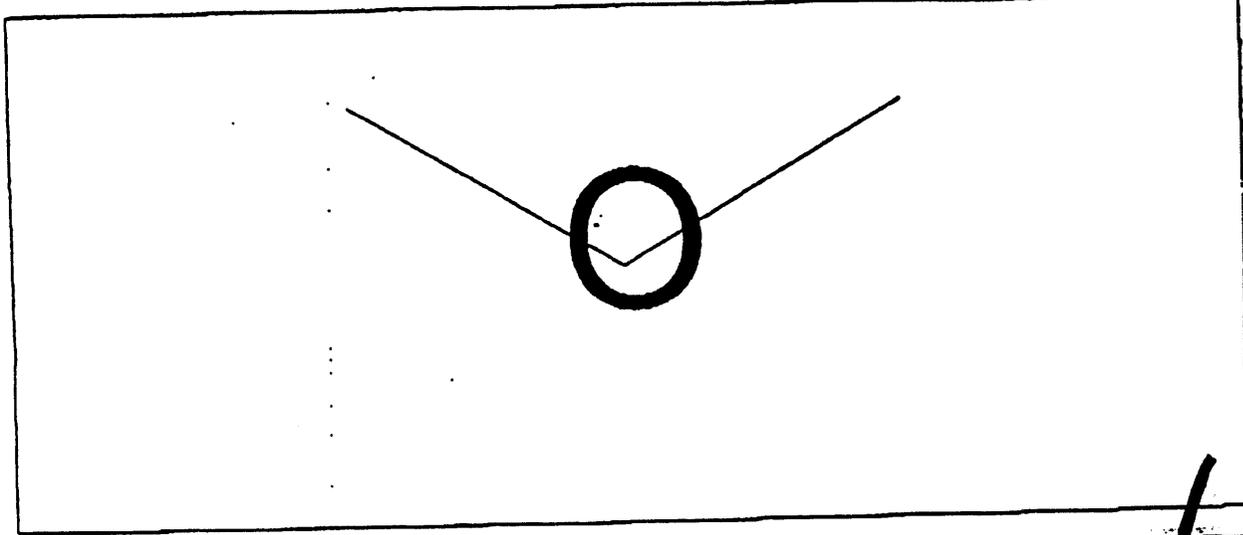
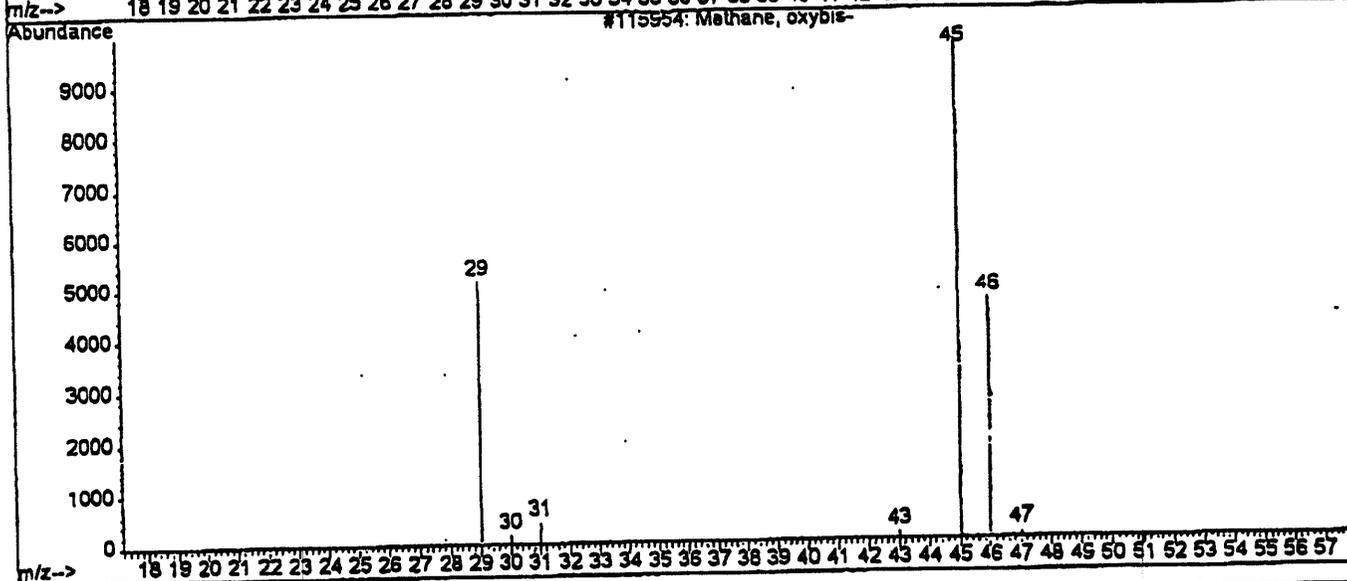
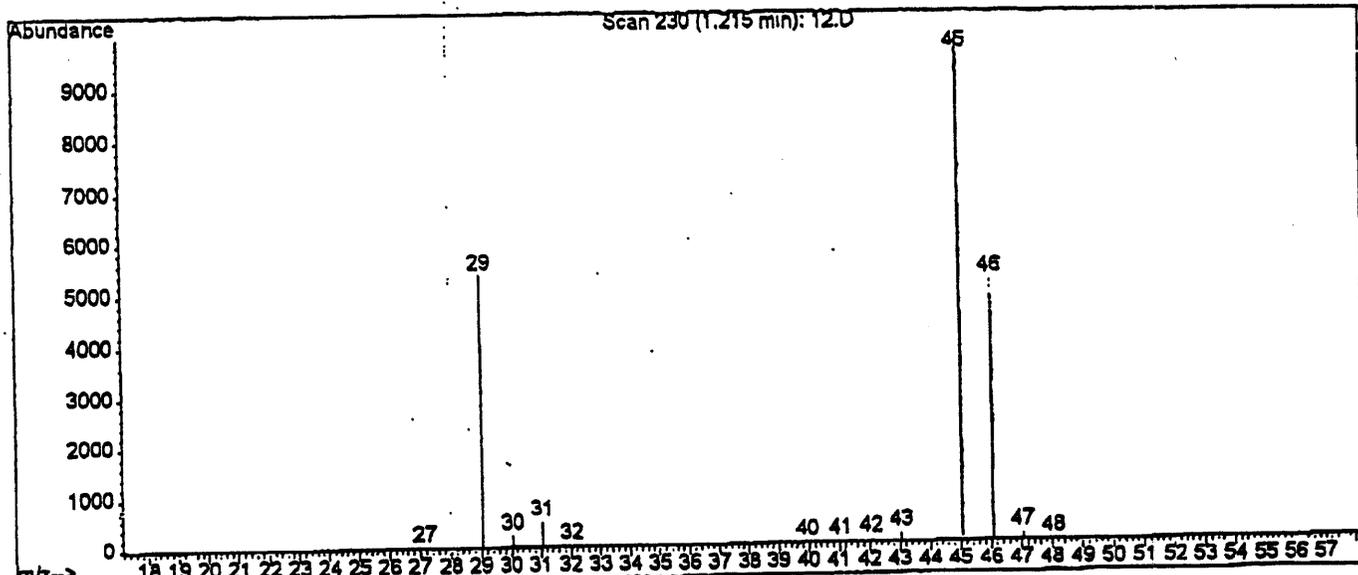
P.06
13KJ
1-11-99



74

JAN-14-1999 16:13
Library searched : C:\DATABASE\WIDELIB.D
Quality : 90
ID : Methane, oxybis-

P.07
BKT
1-11-99



75

JAN-14-1999 16:14

Library searched : 0

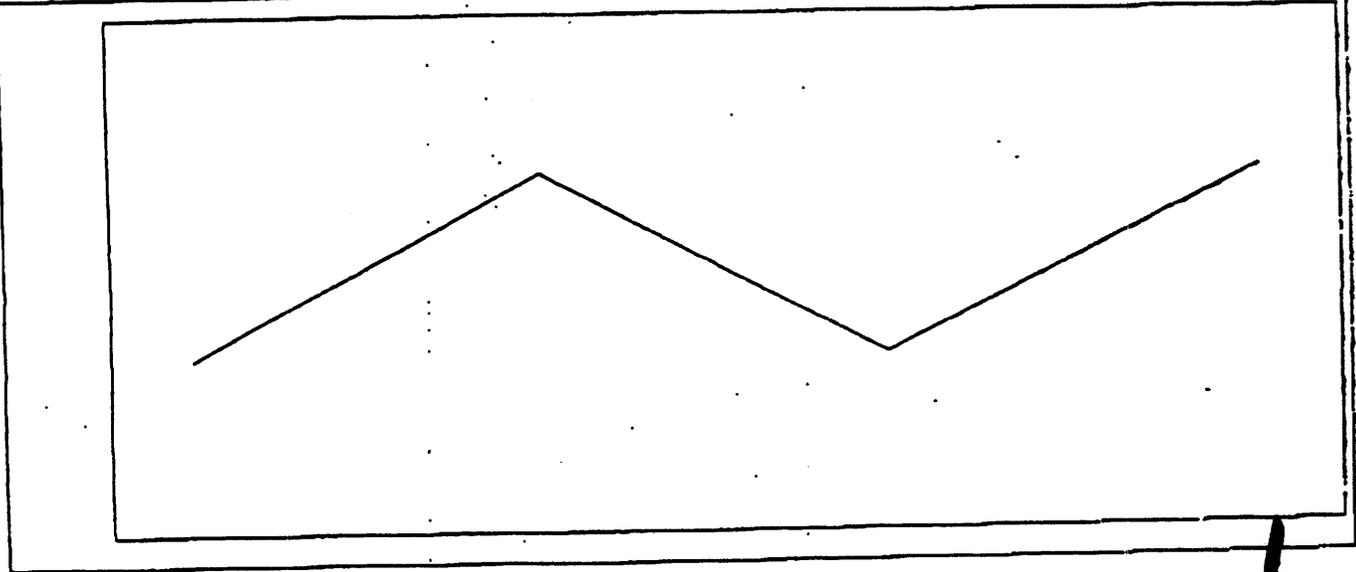
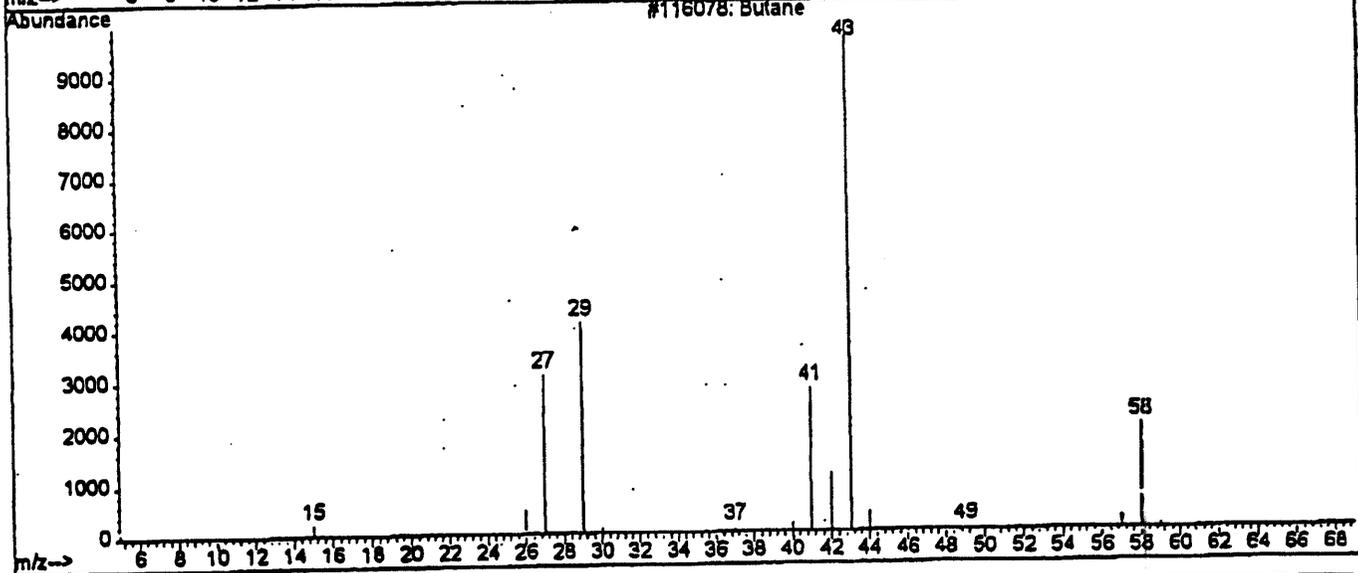
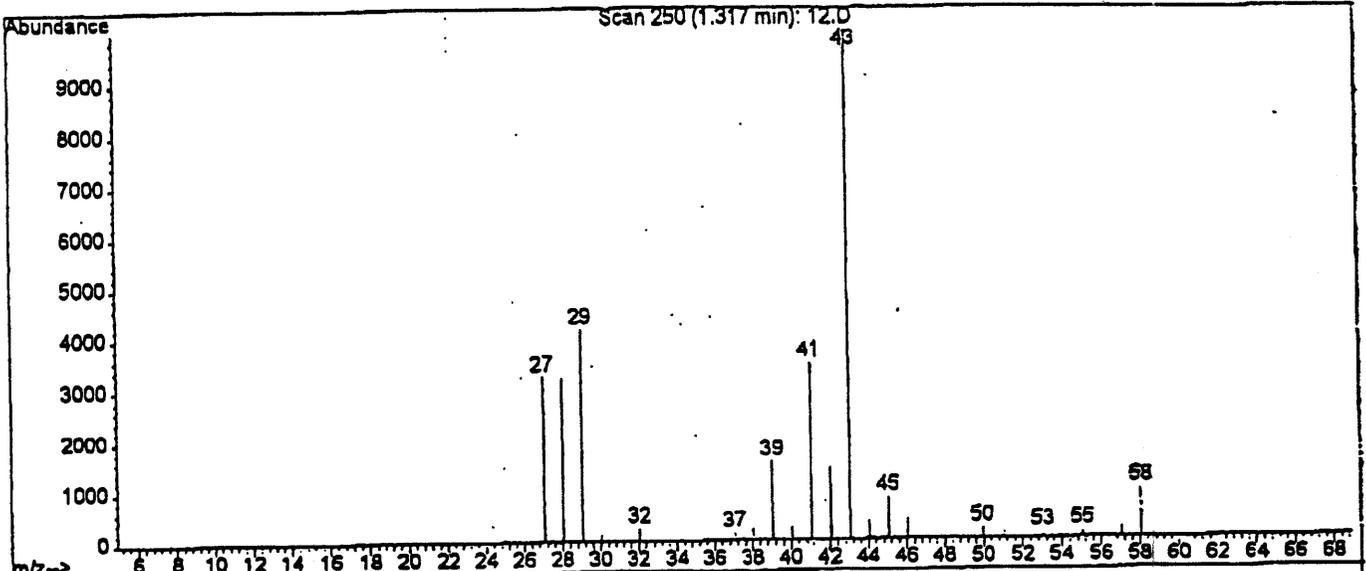
Quality : 83

ID : Butane

Butane

P.08

JK
1-11-99



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JAN-14-1999 16:14

Library searched : C.

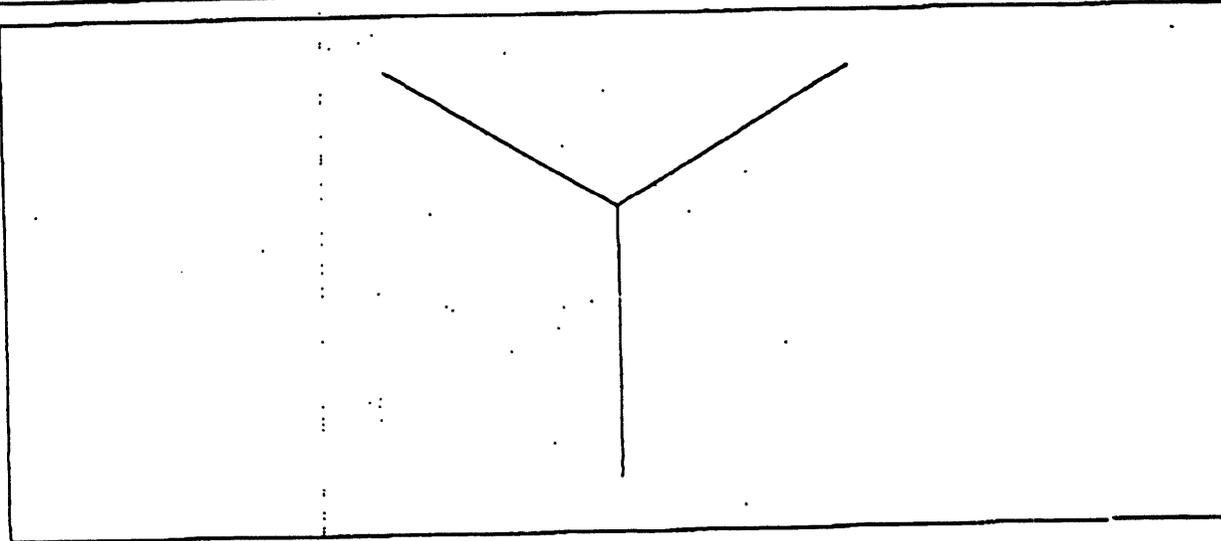
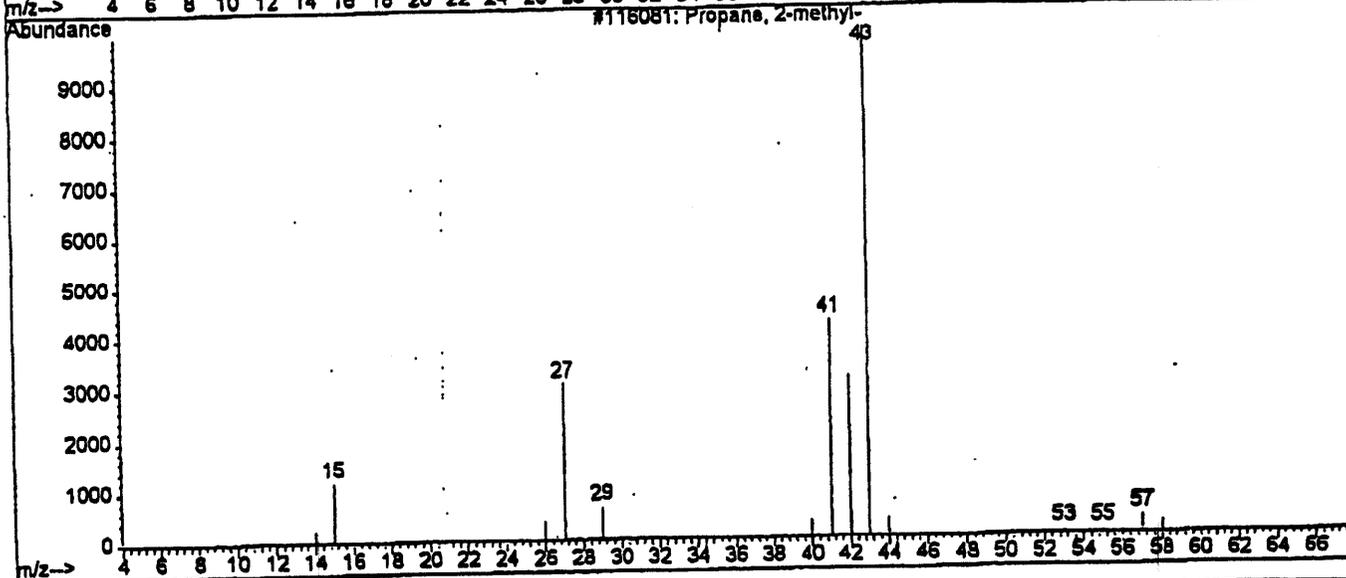
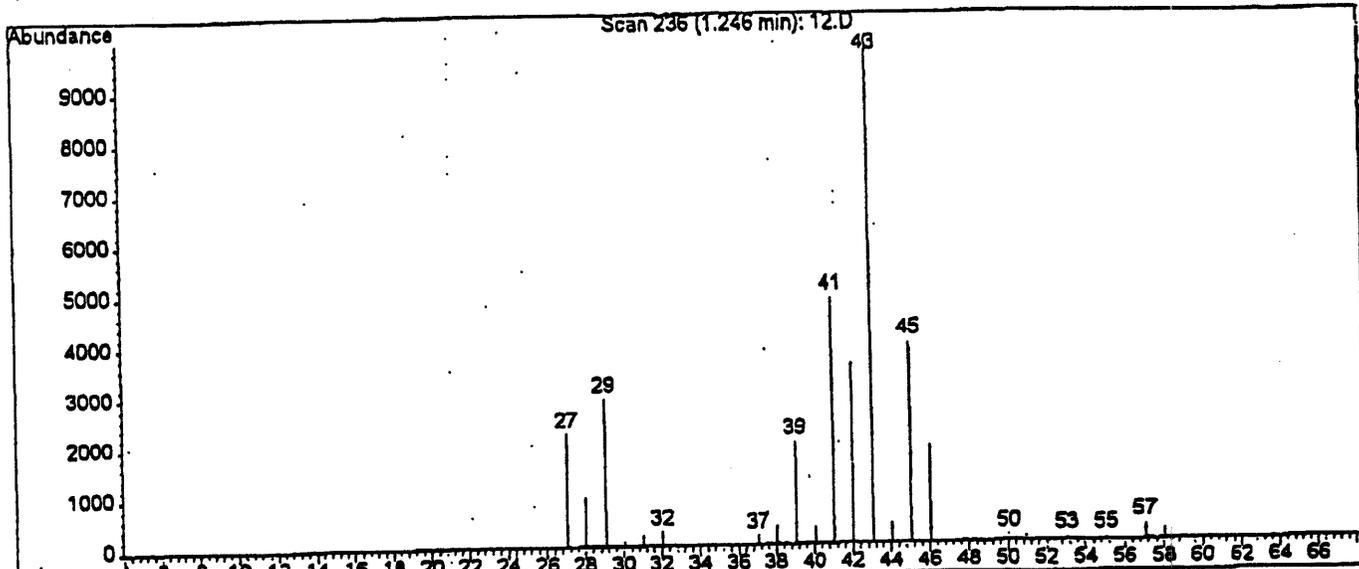
Quality : 35

ID : Propane, 2-methyl-

P.09

BKJ

1-11-99



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SAMPLE COLLECTION REPORT

1. Sample Flag NONE		2. Date Collected 1/11/99		3. Sample Type and Number: 99-490-1154 <input checked="" type="radio"/> Physical <input type="radio"/> Documentary	
4a. Product Name PARTY TIME HAPPY STRING		4b Model UPC 110328		4c NEISS 1138	
5. Assignment Number		6. Complete for Import Samples Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____		7. MIS 33700	
8. Hours Activity _____ Travel _____		9a Home RO FOER		9b Collecting RO LSC	
10. Sample Cost		11. Invoice Value of Lot		12. Size of Lot Units unt	
13. Manufacturer/Importer #		14. Shipper/Foreign Manufacturer		15. Dealer/Import Broker # HOFHEIMER NUSBAUM, PC DOMINION TOWER SUITE 170 999 WATERSIDE DR, NORFOLK	
16. Supporting documents attached: Invoice No. and Date: <u>LETTER 1/8/99</u> 1/11/99 Date Shipped: _____ Shipping Record and Date: <u>FED EXP 8074 8991</u> 1/11/99 Affidavit Signer's name, title and date: _____					
17. Product Identification: Product is 1.75 oz aerosol container with Party Time Happy String on Label. No mfr listed. Sample received via fed ex from Norfolk Attorney's Office, Hofheimer Nausbaum. Bar code affixed to each of					
18. Reason for collection/analysis needed: <input checked="" type="radio"/> FHSA <input type="radio"/> CPSA <input type="radio"/> FFA <input type="radio"/> PPPA <input type="radio"/> RSA Accidental burn fed exp tracking 8074 8991 3555					
19. Summary of Field Screening:					
20. Sample size/Method of Collection: Received from Federal Express Tracking # 8074 8991 3555					
21. Identification on sample: * 99-490-1154		WKP 1/11/99		22. Identification on seal and date: *99-490-1154 Warren K. Porter	
23a. Sample delivered to: LSC		23b Date 1/11/99		24. Report/Record Sent to: CE	
25. Laboratory/Office: LSE _____ CCH _____ FPE _____ FTR _____ SIU _____ Other _____ LSC <input checked="" type="checkbox"/> CHP _____ ELC _____ CLD _____ WHSE _____					
26. Remarks: Discussed with Frank Krivda, LSC will perform 16CFR 1500.14. Will also check expelled string for flammability.					
27. Related Samples:					
28a Collector's name/title: Warren K. Porter		28b Collector's signature/date: <i>Warren K. Porter</i> 1/11/99			
29a Reviewer's name/title:		29b Reviewer's signature/date:			

OH COLLECTION REPORT
(LAB COPY)
99-490-1154
CPSC

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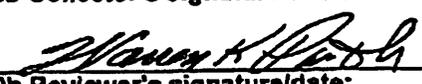
~~CONTINUATION OF REPORT~~

PRODUCT IDENTIFICATION

the 23 subs and sample given to analyst. Product was received with no seals other than the Fed Exp box.

79

**U.S. Consumer Product Safety Commission
SAMPLE COLLECTION REPORT**

1. Sample Flag NONE		2. Date Collected 1/11/99		3. Sample Type and Number: 99-490-1154 <input checked="" type="radio"/> Physical <input type="radio"/> Documentary	
4a. Product Name PARTY TIME HAPPY STRING		4b Model UPC 110328		4c NEISS 1138	
6. Complete for Import Samples Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____				7. MIS 33700	
				8. Hours Activity _____ Travel _____	
				9a Home RO FOER	
				9b Collecting RO LSC	
10. Sample Cost		11. Invoice Value of Lot		12. Size of Lot Units unt	
13. Manufacturer/Importer # KMC001 K.M.C. USA INC. 9959 PACIFIC AVE FRANKLIN PARK, IL 60131		14. Shipper/Foreign Manufacturer		15. Dealer/Import Broker # HOFHEIMER NUSBAUM, PC DOMINION TOWER SUITE 170 999 WATERSIDE DR, NORFOLK	
16. Supporting documents attached: Invoice No. and Date: LETTER 1/8/99 1/11/99 Date Shipped: _____ Shipping Record and Date: FED EXP 8074 8991 1/11/99 _____ Affidavit Signer's name, title and date: _____					
17. Product Identification: Product is 1.75 oz aerosol container with Party Time Happy String on Label. No mfr listed. Sample received via fed ex from Norfilk Attorney's Office, Hofheimer Nausbaum. Bar code affixed to each of					
18. Reason for collection/analysis needed: <input checked="" type="radio"/> FHSA <input type="radio"/> CPSA <input type="radio"/> FFA <input type="radio"/> PPPA <input type="radio"/> RSA Accidental burn fed exp tracking 8074 8991 3555					
19. Summary of Field Screening:					
20. Sample size/Method of Collection: Received from Federal Express Tracking # 8074 8991 3555					
21. Identification on sample: 99-490-1154 WKP 1/11/99			22. Identification on seal and date: 99-490-1154 Warren K. Porter		
23a. Sample delivered to: LSC			23b Date 1/11/99		24. Report/Record Sent to: CE
25. Laboratory/Office: LSE ___ CCH ___ FPE ___ FTR ___ SIU ___ LSC <input checked="" type="checkbox"/> CHP ___ ELC ___ CLD ___ WHSE ___ Other _____					
26. Remarks: Discussed with Frank Krivda, LSC will perform 16CFR 1500.14. Will also check expelled string for flammability.					
27. Related Samples:					
28a Collector's name/title: Warren K. Porter			28b Collector's signature/date:  1/11/99		
29a Reviewer's name/title:			29b Reviewer's signature/date:		

80

PRODUCT IDENTIFICATION

the 23 subs and sample given to analyst. Product was received with no seals other than the Fed Exp box.

81

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs
D.C. 20207

Washington.

For Immediate Release
, 1999
Release # 99-

Contact:
(301) 504-0580 Ext.

CPSC, KMC USA Inc. Announce Recall of Flammable Spray String

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), KMC USA Inc., of Franklin Park, Ill., is recalling more than 190,000 cans of Party Time "Happy String." The product is hazardous if sprayed near an open flame due to the flammability of the propellant. Because it is a flammable product intended for use by children, it is a banned hazardous substance. Use of the spray string around flame sources, such as candles, could result in serious burns.

CPSC is aware of two reports of burns resulting from the use of this spray string. A 4-year-old boy that was burned when some of the string ignited while he was blowing out candles on his birthday cake. He suffered first- and second-degree burns on his face and arm. A woman sustained burns on her ear in another incident.

Party Time Happy String comes in round metal spray containers about 5-inches high. The cans are mostly white, with various color plastic caps, and contain 1.75 ounces of liquid chemical. "PARTY TIME" is written on the can in different colored block letters, and "Happy String" is depicted as if it is being sprayed from a can of the spray string. Additional writing on the cans include, "MADE IN KOREA" . . . "IDEAL FOR DECORATING WALLS, TABLES, TREES, PEOPLE, ANYTHING..."

"Dollar Tree," "Dollar Bills" and "Only \$1" stores nationwide sold the spray string between October 1998 and January 1999 for about \$1.

Consumers should take this spray string away from children and stop using it immediately. It can be returned to any Dollar Tree store for a refund. For more information, call Dollar Tree Stores at (800) 876-8077 anytime.

-more-

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MODE = MEMORY TRANSMISSION

START=JAN-20 16:21

END=JAN-20 16:22

FILE NO.= 129

STN NO.	COM	ABBR NO.	STATION NAME/TEL. NO.	PAGES	DURATION
001	OK	2	918474800804	003/003	00:01'17"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/20/99 PAGES TRANSMITTED 2 + cover

TO: MR AHN Esq.

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRIVDA

REMARKS: PRESS RELEASE

- Confirmation copy to follow by U.S. Mail
- Fax Transmission Only

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23



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/20/99 PAGES TRANSMITTED 2 + cover

TO: BETH BERMAN ESQ.

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KNIVDA

REMARKS: PRESS RELEASE

FLAMMABLE SPRAY STRING

Confirmation copy to follow by U.S. Mail

Fax Transmission Only

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84

9959 PACIFIC AVE
FRANKLIN PARK, ILL
60131

BETH: 757-629-0608

KMC/Hong: 847-233-9422

12/22/98 TALKED TO BETH BERMAN

- REPORTED ~~BASED~~ INJURY OF INJURY TO CHILD FROM THE USE A CAN OF HAPPY STRING
- PURCHASED FROM KMC USA. DATES UNKNOWN AND AMOUNTS ALSO UNKNOWN
- IS REPORTING AND NOT RECALLING
- RELEID ON FIRM/SUPPLIER TEST RESULT
- REPORT OF INJURY SENT TO KMC BY INSURANCE ^{ARRISA}

I REQUESTED THAT THE FIRM SUPPLY INJURY INFORMATION TESTING DATA AND IF THE FIRM STOPPED SALE

1/5/99 - BETH CALLED BACK AND SAID FIRM STOPPED SALE AND DID NOT HAVE TEST REPORT

- GAVE NAME OF MR SOON HONG, PRESIDENT OF KMC

1/6/99 TALKED TO MR. HONG

- ASKED IF HE WAS AWARE COMPLAINT REGARDING HAPPY STRING - SAID YES

- SAID THE PRODUCT WAS TESTED
L HE SENT RECORD TO ME BY FAX
AND THERE WERE NO TESTING
APPARENT FROM A REVIEW OF THE RECORD.
- REQUESTED THE FIRM TO RECALL THE
PRODUCT BASED ON THE INJURY INCIDENT
AND WHAT APPEARS TO BE NO TEST DATA.
- MR SOON CLAIMED THAT HE IMPORTED
PRODUCT SOLELY FOR DOLLAR TREE STORES, INC.
- PURCHASED 190,400 CANS FROM KOREA
IN 10/1998
- CONNIE FINOVED AT DOLLAR TREE
- MR HONG SAID HE WOULD RECALL BUT
SAID THAT DOLLAR TREE SHOULD RECALL NOT
HIM.

J FAXED TO HIM THE REPORTING REQUIREMENT
PUBS RELEASE REQUIREMENT AND PROPER

1/6/98 TALKED TO BETH AND TOLD HER
THAT THE FIRM WILL RECALL

REQUESTED 25 CANS OF THE PRODUCT.

FAXED HER THE LIST OF TOY TESTING LABORATORIES.

86

- SENT TO her THE REPORTING REQUIREMENT

1/7/99 - CALLED COULD REACH DOLLAN TRUL FOR SAMPLES
BETH WILL TRY AGAIN

- REQUESTED injury complaint - CLAIMED TO
HAVE MAILED IT TO ME ON 1/6/99

1/11/99 - NOT PRESENT - AT A SHOW IN CHICAGO
WILL CALL

1/12/99 - HONG IS SICK
- KNOWS ABOUT LETTER

- LAWYER NUMBER 847-480-0804
847-480-2461
SOON MO AKA

CLIENT / LAWYER - TALKED TO MR HAN - HE READ
LETTER + W/ RECALL
L ~~RECALL~~ ~~THE~~

1/12/99 MR HONG CALLED BACK AND SAID TO
WORK W/ LAWYER - WILL RECALL PRODUCT

1/12/99 CALLED LAWYER REPRESENTING VICTIM
4 YEAR OLD MALE / 2ND BURNS TO FACE / MOUTH
LIPS / CHOKES / LEFT EAR / FOREHEAD LEFT HAND & WIST

MODE = MEMORY TRANSMISSION

START=JAN-20 14:51

END=JAN-20 14:52

FILE NO. = 106

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
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-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/20/99 PAGES TRANSMITTED 2 + cover

TO: BETH BERMAN ESQ.

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KNIDA

REMARKS: PRESS RELEASE
FLAMMABLE SPRAY STRING

- Confirmation copy to follow by U.S. Mail
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90

HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

1700 DOMINION TOWER
999 WATERSIDE DRIVE
NORFOLK, VA 23510
(757) 622-3366
(757) 629-0660 (FAX)

**OUTGOING
FACSIMILE LEAD SHEET**

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TO: Ms. Krivda

FAX NUMBER: 1-301-504-0359

FROM: Beth Hirsch Berman

DIRECT DIAL NUMBER: (757) 629-0604

NUMBER OF PAGES INCLUDING THIS SHEET: 2

DATE: 1/15/99

CLIENT: Dollar Tree

FILE NO. 1946-1157

MESSAGE:

*Mark Post
Revised
Release
91
Manc*

BENNETT, BOWMAN, TRIPLETT & VITTITOW

ATTORNEYS AT LAW

SUITE 400 SOUTH

FIRST TRUST CENTRE

800 SOUTH FIFTH STREET

LOUISVILLE, KENTUCKY 40202

(502) 583-5551

FAX (502) 583-5552

HENRY ARMYSTRONG TRIPLETT
CHESTER A. VITTITOW, JR.
DEVULAS E. TAYLOR
ROBERT H. BUCOLIAN
ROBERT VIC BOWERS, JR.
JAMES P. DILLON, JR.
JOHN W. TULLER
BROOKER G. CAMPBELL
CODY A. SAVIDSON

*OWENSBORO OFFICE

OWENSBORO OFFICE
200 WEST GAYONS STREET
P. O. BOX 788
OWENSBORO, KENTUCKY 40301
(502) 583-5552

EDWARD J. ROMAN (1899-1980)
JOE E. TAYLOR (1911-1974)
HENRY V. B. BOWERS (1921-1978)
JOHN L. BENNETT (1918-1986)

OF COURSE
JAMES S. BOWMAN

FAX COVER SHEET

DATE: 1-12-99
TO: FRANK KRINDA
US CPSC
FAX #: 301 504 0359
FROM: ROBERT R. DE GOLIAN

NUMBER OF PAGES (including cover page) 3

IF YOU HAVE NOT RECEIVED ALL OF THESE PAGES OR EXPERIENCE ANY DIFFICULTY, PLEASE CALL
JUANITA AT 502/583-5581.

NOTES: RE: DARREN TETT 4 YOA / DOB: 12-6-94
DATE OF ACCT: 12.5.98

MR. KRINDA,
HERE ARE THE PHOTOS YOU REQUESTED.
PLEASE KEEP ME INFORMED.
THANKS
Robert R. DeGolian

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97





HOFHEIMER NUSBAUM, P.C.
 ATTORNEYS AND COUNSELORS AT LAW

Frank Krivda
PC

DOMINION TOWER, SUITE 1700
 999 WATERSIDE DRIVE
 POST OFFICE BOX 3460
 NORFOLK, VIRGINIA 23514-3460

TELEPHONE (757)622-3366
 FACSIMILE (757)629-0660
 INTERNET: www.hnlaw.com

BETH HIRSCH BERMAN
 DIRECT: (757)629-0604
 E-MAIL: bberman@hnlaw.com

January 15, 1999

VIA FACSIMILE - 301-504-0359

Mr. Frank Krivda
 United States Consumer Product Safety Commission
 4330 East West Highway, Room 613
 Bethesda, MD 20814-4408

**Re: Dollar Tree Stores, Inc. ("Dollar Tree")
 Happy String
 SKU #77984**

Dear Mr. Krivda:

Please be advised Dollar Tree Stores, Inc. has received a second injury report stemming from use of the referenced product. A woman allegedly sustained burns on her ear under circumstances similar to those in the first reported injury. The woman purchased the product at a Dollar Tree store in Barnwell, South Carolina.

In light of that report, it would seem appropriate to change the paragraph in the press release that discusses reports received by Dollar Tree to the following:

Dollar Tree received two reports of individuals sustaining burns on and around their faces when some of the string ignited when it came into contact with lit birthday candles.

Sincerely yours,

Beth Hirsch Berman

Beth Hirsch Berman

BHB/mrf

216981.1

42

MODE = MEMORY TRANSMISSION

START=JAN-13 07:43

END=JAN-13 07:45

FILE NO. = 066

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	*	917576290660	003/003	00:01'07"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/13/99 PAGES TRANSMITTED 2 + cover

TO: BETH BERMAN ESQ

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRUDA

REMARKS: PRESS RELEASE FOR
PARTY TIME "HAPPY SPRING"

Confirmation copy to follow by U.S. Mail

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96

MODE = MEMORY TRANSMISSION

START=JAN-12 15:25

END=JAN-12 15:30

FILE NO. = 038

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	*	918474800004	003/003	00:01'14"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/21/99 PAGES TRANSMITTED 2 + cover

TO: SOON MD AHN Esq.

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRUINDA

RECALL PRESS RELEASE FOR 1/14/99

REMARKS: "HAPPY STRING"
NEED "TOLL FREE NUMBER" FOR
CONSUMERS TO CALL. CALL ME TODAY

Confirmation copy to follow by U.S. Mail

Fax Transmission Only

FRANK
KRUINDA

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27

MODE = MEMORY TRANSMISSION

START=JAN-12 15:14

END=JAN-12 15:24

FILE NO. = 034

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	STOP	[70]	W GENTRY	003/004	00:00'50"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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WASHINGTON, DC 20207

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RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/12/99 PAGES TRANSMITTED 3 + cover

TO: BILL GENTRY

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRUDA

IDI REQUEST

REMARKS: _____

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58

MODE = MEMORY TRANSMISSION

START=JAN-11 16:39

END=JAN-11 16:40

FILE NO. = 218

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	*	917576290660	003/003	00:01'00"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/11/99 PAGES TRANSMITTED 2 + cover

TO: BETH BERMAN, ESQ

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRINDA

REMARKS: PARTY TIME HAPPY STRING
RECALL TO CONSUMER LEVEL

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MODE = MEMORY TRANSMISSION

START=JAN-11 16:59

END=JAN-11 17:01

FILE NO. = 224

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	*	918472339423	003/003	00:01'35"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/11/89 PAGES TRANSMITTED 2 + cover
 TO: MR. SDON Hong PRESIDENT
 TITLE: _____
 OFFICE: _____
 FAX #: _____

FROM: FRANK Krinda

REMARKS: RECALL OF PARTY TIME
HAPPY STRING 1.75-02

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100

MODE = MEMORY TRANSMISSION

START=JAN-12 08:19

END=JAN-12 08:27

FILE NO. = 241

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	*	912124733915	005/005	00:03'01"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/12/99 PAGES TRANSMITTED 4 + cover

TO: DAVID SCHMELTZER

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KNUDA

REMARKS: PREMIUM Policy
paid on unpaid tax AT Food
OUTLETS

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101

KMC USA INC
KOREA MERCHANDISE CENTER
9959 PACIFIC AVE., FRANKLIN PARK, IL 60131
TEL: (847)233-9422 FAX: (847) 233-9423
E-MAIL: INFO@KMCUSA.COM
WEBSITE: URL: HTTP://WWW.KMCUSA.COM
OR HTTP://WWW.KOREANMERCHANDISE.COM

TO: US CPSC COMMISON DEP

DERA: FRANK KRIVDA
WE HAVE NICE TALK YOU ON PHONE.
ALSO I HAVE GOOD IMPRESS TO YOUR KIN.D.

I 'M SENDING WHAT YOU NEED.
IT IS SPAGE.

THANK YOU

IF YOU HAVE ANY QUSTION, FEEL FREE CALL ME.

BEST REGARDS

SOON HONG 

⁰³⁵⁹ Gi.
FAX301-504-0659
TEL301-504 0608(1372)

102

INTERNATIONAL DIVISION OF

DOOSUNG Industrial Co., Ltd.

HEAD OFFICE: C.P. BOX 9375, SEOUL, KOREA

TEL: 82-2-717-0777

FAX: 82-2-701-2089

E-MAIL ID: changs@doosung.co.kr

TO:	FAX NO: 757 321-5231	FROM:	DATE: Jan.05, 1999	Total pages including cover: 5
(A)	ATTN: Ms./Mr. Connie Firoved	(DE)	REF NO: DFCA / 1005 -1999	
	COMPANY: Dollar Tree Stores, Inc.		SENDER: C. S. SHIN	

Dear Ms./Mr. Connie,

On the January 04, 1999, We received your information relative to Happy string streamer bomb, your SKU#774984 through Korea Merchandise Center. Very sorry for your inconvenience. Please be informed our Happy string streamer bomb has secured product safety as below.

1) In 1995, This goods certificated the Test Report (in Korean) by Korean Chemicals Inspection and Testing Institute. So we can send the report (in English) until January 13-15, 1999.

2) This goods mainly consist: of aerosol valve, aluminium can and DME gas & resin.

Aerosol valve

Please refer to certificate of registration as attachment sheet. We used the aerosol valve all made in USA. If you need, we can submit additional certificate from SUMMIT PACKING SYSTEMS, INC, Manchester, USA

- Aluminium can

Please refer to the certificate as attachment. We have known that there are mainly two kinds of can. One thing is tin-plate from England. The other is aluminium from Netherlands and Korea.

3) We believe that the same product as our Happy string streamer bomb already has been acquired the U.S. CPSC requirement.

4) Manual of Happy string: Enclosed two sheets

We will be highly appreciated if you confirm above our statements and inform us the results. Please feel free contact us at any time. We intend to do our best to calm down this matter.

Thanks and Best Regards,



Changsoo, Shin - General manager

109

MODE = MEMORY TRANSMISSION

START=JAN-06 13:01

END=JAN-06 13:04

FILE NO. = 235

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	8	918472339423	006/006	00:02'44"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/16/99 PAGES TRANSMITTED _____ + cover

TO: SOLN Hong

TITLE: _____

OFFICE: KMC USA

FAX #: REPORTING REQUIREMENTS

FROM: FRANK KRIVDA

REMARKS: HAPPY STRING CAN RECALL

Confirmation copy to follow by U.S. Mail

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104

MODE = MEMORY TRANSMISSION

START=JAN-06 12:57

END=JAN-06 13:00

FILE NO. = 234

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	s	917576290660	007/007	00:02'31"

-CPSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/6/99 PAGES TRANSMITTED: 6 + cover

TO: BETH BERMAN

TITLE: _____

OFFICE: DOLLAR TREE STORES

FAX #: _____

FROM: FRANK KRINDA

REMARKS: HAPPY STRING SKU 77498P RECALL
REPORTING / POTTERS / TESTING LABORATORIES

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104

PRODUCT IDENTIFICATION

the 23 subs and sample given to analyst. Product was received with no seals other than the Fed Exp box.

107

FedEx. USA Airbill

Tracking Number **5352186184**

001867146 9 **Sender's Copy** SPH42

1 From (please print) 1/11/99 Sender's FedEx Account Number 1421-0258-7

Sender's Name Frank Krivda Phone (301) 504-0608x1372 Dept./Floor/Suite/Room

Company CONSUMER PRODUCTS SAFETY COMM

Address 4330 EAST WEST HWY

City BETHESDA State MD Zip 20814

2 Your Internal Billing Reference Information (Optional) (First 24 characters will appear on invoice)

3 To (please print) Recipient's Name Beth Hirsch Berman, Esquire Phone ()

Company Hofheimer Nusbaum, P.C. Suite 1700 Dept./Floor/Suite/Room

Address 999 Waterside Drive (Do NOT hold at FedEx location, print FedEx address here) (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes)

City Norfolk State VA Zip 23514-3460

For HOLD at FedEx Location check here
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 Hold Saturday (Not available at all locations)
For Saturday Delivery check here
 Return Charge (Not available at all locations)
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272

4a) Express Package Service Packages under 50 lbs. (Maximum weight is 50 lbs. in some areas.)
 FedEx Priority Overnight (Next business day)
 FedEx Standard Overnight (Next business day)
 FedEx 2Day (Next business day)

NEW FedEx First Overnight (Next business day)
Minimum charge. One parcel FedEx. 3-day rate.

4b) Express Freight Service Packages over 50 lbs. (Maximum weight is 150 lbs. in some areas.)
 FedEx Overnight Freight (Next business day)
 FedEx 2Day Freight (Next business day)
 FedEx Express Saver Freight (Next business day)

5 Packaging FedEx Letter FedEx Pak FedEx Box FedEx Tube FedEx Pkg. Other Pkg.

6 Special Handling Does this shipment contain dangerous goods? Yes No No or marked Yes Shipper's instructions Yes No CA Cargo Aircraft Only
 Dry Ice (UN 1845) (Dangerous Goods Shipper's Declaration not required) Yes No

7 Payment Bill to: Sender Recipient Third Party Credit Card Cash Check
(Enter FedEx account no. or Credit Card no. below)

8 Release Signature Sign to authorize delivery without obtaining signature.

Total Packages 1 Total Weight 1.00 Total Declared Value* \$ 00

*When declaring a value higher than \$500 per shipment, you pay an additional charge. See SERVICE CONDITIONS, EXCLUDED VALUE AND LIMIT OF LIABILITY sections for further information.

Att: Ken Giles

SUGGESTED SLATES FOR INFANT CARRIER AND FLAMMABLE STRING RECALL VNR

This tape is sponsored by the U.S. Consumer Product Safety Commission. It is provided for your free unrestricted use.

For more information on recalled products, contact Ken Giles / CPSC (301) 504-0580 ext. 1184
For questions about the satellite feed, contact Diana Gonzalez / Potomac (800) 666-7882....

BACKGROUND

An alert ^{was sent} from the U.S. Consumer Product Safety Commission (CPSC) about two dangerous children's products. CPSC, in cooperation with the manufacturers, is recalling about 240-thousand "Baby Bjorn" infant carriers and 190-thousand cans of Party Time "Happy String". Small babies can fall out of the carriers, and the spray party string is flammable. CPSC is warning consumers to stop using both of these products immediately.

INFANT CARRIERS

Small babies can fall through the leg holes of the "Baby Bjorn" infant carrier ^{distributed?} made by Regal + Lager Inc., of Marietta, GA. Infants under 2 months of age are at greatest risk. CPSC and Regal + Lager are aware of nine reports of infants slipping through the leg holes and falling to the ground. Six of these infants suffered fractured skulls. The "Baby Bjorn" carriers were sold in stores and catalogs nationwide from January 1991 through October 1998 for about \$75. Consumers can get a free retrofit to reduce the size of the leg holes by calling the manufacturer at (877) 242-5676. Carriers currently being sold are not included in this recall. ^{Regal + Lager toll free at}

the US firm doesn't make them

B-Roll of carriers

FLAMMABLE SPRAY STRING

Party Time "Happy String" is hazardous if sprayed near an open flame due to the flammability of the propellant. It is ~~now~~ a banned hazardous substance since it is flammable and intended for use by children. CPSC is aware of two reports of burns associated with the use of this spray string. A 4-year-old boy suffered first and second degree burns when "Happy String" ignited while he was blowing out candles on his birthday cake. In another incident, a woman was burned on her ear.

The spray string sold nationwide at ~~several dollar stores~~ between October 1998 and January 1999 for about \$1. ^{Dollar Tree, Dollar Bills & Only \$1 Stores}

Consumers should stop using this spray string immediately. It can be returned to any Dollar Tree Store for a refund. For more information, call Dollar Tree stores at (800) 876-8077.

B-roll of Government Flame test of Party Time "Happy String"

B-roll of cake and candles igniting when sprayed with Party Time "Happy String"

"now" didn't make it handout

News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, D.C. 20207

For Immediate Release
, 1999
Release # 99-

Contact:
(301) 504-0580 Ext.

CPSC, KMC USA Inc. Announce Recall of Flammable Spray String

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), KMC USA Inc., of Franklin Park, Ill., is recalling more than 190,000 cans of Party Time "Happy String." The product is hazardous if sprayed near an open flame due to the flammability of the propellant. Because it is a flammable product intended for use by children, it is a banned hazardous substance. Use of the spray string around flame sources, such as candles, could result in serious burns.

CPSC is aware of two reports of burns resulting from the use of this spray string. A 4-year-old boy that was burned when some of the string ignited while he was blowing out candles on his birthday cake. He suffered first and second-degree burns on his face and arms. A woman sustained burns on her ear from another incident.

Party Time Happy String comes in round metal spray containers about 5-inches high. The cans are mostly white with various color plastic caps, and contain 1.75 ounces of liquid chemical. "PARTY TIME" is written on the can in different colored block letters, and "Happy String" is depicted as it is being sprayed from a can of the spray string. Additional writing on the cans include, "MADE IN KOREA" . . . "IDEAL FOR DECORATING WALLS, TABLES, TREES, PEOPLE, ANYTHING..."

"Dollar Tree," "Dollar Bills" and "Only \$1" stores nationwide sold the spray string between October 1998 and January 1999 for about \$1.

Consumers should take this spray string away from children and stop using it immediately. It can be returned to any Dollar Tree store for a refund. For more information, call Dollar Tree Stores at (800) 876-8077 anytime.

-more-

(10)



The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury and for information on CPSC's fax-on-demand service, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270. To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information at CPSC's web site at <http://www.cpsc.gov> or via Internet gopher services at gopher.cpsc.gov. Consumers can report product hazards to info@cpsc.gov. To establish a link from your web site to this press release on CPSC's web site, create a link to the following address: <http://www.cpsc.gov/cpscpub/prerel/prhtml99/99XXX.html>.

####

Editor's Note: To access a full-color version of the product photo in JPEG (JPG) format, go to this press release on CPSC's web site at:

<http://www.cpsc.gov/cpscpub/prerel/prhtml99/99XXX.html>

To download, place the cursor on the image, click and hold the mouse button (right mouse button for PC users), and use the "save as" menu to save the image in the desired location.

Receive Press Releases by Email: To subscribe to this convenient service, send an email containing your full name, position, organization, mailing address, email address, phone number and fax number to: kdulic@cpsc.gov.

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FOR RELEASE: THURSDAY, FEBRUARY 22, 1990
RELEASE #90-40
AEROSOL STRING STREAMERS RECALLED
FOR PROPELLANT FLAMMABILITY

WASHINGTON, D.C.- - The U.S. Consumer Product Safety Commission (CPSC) announced today the voluntary recall of five different brands of aerosol string streamers. These products, used like confetti at birthday parties and other gatherings, are hazardous if sprayed near an open flame, due to the flammability of the propellant used with the products.

The companies participating in this recall are Northeast Imports, Inc., Central Falls, RI; Masquerade, Inc., Brooklyn, NY; Topstone Industries, Inc., Danbury, CT; Franco-American Novelty, Co., Inc., Glendale, NY; and Fun World Inc., Carle Place, N.Y.

Tests by the CPSC show that these products, marketed during the past year, are flammable and therefore banned under provisions of the Federal Hazardous Substances Act because of their use by children. Use of these products around flame sources such as birthday candles could result in serious burn injuries if the spray contacts a flame.

The CPSC learned of this problem through consumer complaints to its hotline. Reports of serious burn injuries to both children and adults involving these and similar products have been investigated. Typically the victims are burned during birthday parties when friends or family spray the string streamer near or onto the candles of a birthday cake.

The products are packaged in aerosol cans having various colored plastic overcaps indicating the color of the string streamer inside the can. Individual product identification is as follows:

- o Northeast Imports, Inc., Central Falls, RI
3.5 oz. cans having a lithographed or paper label with a green background labeled in part "Streamer Spray"
- o Masquerade, Inc., Brooklyn, NY
150 gram cans having a lithographed label with a white background labeled in part "MASQUERADE CRAZY STRINGS"
- o Topstone Industries, Inc., Danbury, CT
3.5 oz. cans having a lithographed label with a black background labeled in part "Tricky Fun String Environmentally Safe Contains No Fluorocarbons".
(Cans of Tricky Fun String without this statement do not present the flammability hazard and are not being recalled.)
- o Franco-American Novelty Co., Inc., Glendale, NY
3.5 oz. cans having a lithographed label with a blue background labeled in part "GOOFY FLYING STRING"
- o Fun World Inc., Carle Place, NY
3.5 oz. and 7 oz. cans having a lithographed label reading in part "ITS FUN TYME! STRING CONFETTI" and an added clear adhesive label reading "SAFE FOR THE ENVIRONMENT FLUOROCARBON FREE." "STRING CONFETTI" cans which have had the clear adhesive label removed because of use are also being recalled.

A total of approximately 1,135,000 cans of all five brands of string streamer were sold nationwide during the past year for less than \$5.00 per can at retail.

Consumers should immediately discontinue the use of these products and return them to the retail store where purchased for a full refund of the purchase price.

#####

NOTE: To report an unsafe product or a product-related

injury, consumers may call the U.S. Consumer Product Safety Commission's toll-free hotline at 1-800-638-2772. A teletypewriter for the hearing impaired is available at 1-800-638-8270; the Maryland TTY number is 1-800-492-8104.

w

1179

HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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999 WATERSIDE DRIVE
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FACSIMILE (757)629-0660
INTERNET: www.hnlaw.com

BETH HIRSCH BERMAN
DIRECT: (757)629-0604
E-MAIL: bberman@hnlaw.com

January 6, 1999

Mr. Frank Krivda
United States Consumer Product Safety Commission
4330 East West Highway, Room 613
Bethesda, Maryland 20814-4408

**Re: Dollar Tree Stores, Inc. ("Dollar Tree")
Happy String
SKU #77984**

Dear Mr. Krivda:

As requested, enclosed find a copy of the letter sent by Dollar Tree's insurance carrier to KMC USA, Inc.

Sincerely yours,



Beth Hirsch Berman

BHB/mrf
Encl.

215474.1

99 JAN 11 AM 10:09

RECEIVED
CPSC C. N. HIRSH



CGU

CGU Indiana-Ohio Valley companies
8351 North High Street
P.O. Box 16666
Columbus, OH 43216-6666

Tel: (614) 436-7100 280

December 11, 1998

KMC-USA Inc.
9959 Pacific Ave.
Franklin Park, IL 60131

RE: Our Insured: Dollar Tree Stores
Loss Date: 12-5-98
Claimant: Darien Tett

Dear Sirs,

A claim has been submitted by Attorney Robert DeGolian for his client, Darien Tett, minor, to our company concerning an injury he sustained from Happy String.

Our insured has advised that your company is the manufacture of this product, therefore we are tendering the claim to you for handling. The product has a sku# of 774984. I have enclosed a copy of the letter Attorney DeGolian sent to our insured. Please contact him to discuss this matter in detail. Should you have any questions, please feel free to call.

Sincerely,

Marie DiTommaso
Claim Representative

cc: Attorney Robert DeGolian

220PV

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Co:	Co:
Dept:	Phone#:
Fax #: 757 321-5222	Fax#:

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HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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BETH HIRSCH BERMAN
DIRECT: (757)629-0604
E-MAIL: bberman@hnlaw.com

January 8, 1999

Via Federal Express

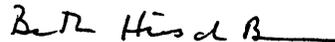
Mr. Frank Krivda
United States Consumer Products Safety Commission
Division of Compliance
East West Towers, 6th Floor
4330 East West Highway
Bethesda, Maryland 20814-4408

**Re: Dollar Tree Stores, Inc.
Happy String
SKU #77984**

Dear Mr. Krivda:

As you requested, enclosed find samples of the Happy String.

Sincerely yours,



Beth Hirsch Berman

enclosure

215745.1

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HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

DOMINION TOWER, SUITE 1700
999 WATERSIDE DRIVE
POST OFFICE BOX 3460
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BETH HIRSCH BERMAN
DIRECT: (757)629-0604
E-MAIL: bberman@hnlaw.com

January 8, 1999

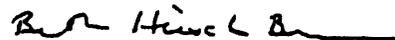
Via Federal Express
Mr. Warren Porter
U. S. Consumer Product Safety Commission
Chemistry Laboratory
10901 Darnstown Road
Gaithersburg, Maryland 20878-2611

Re: Dollar Tree Stores, Inc.
Happy String
Sku # 77984

Dear Mr. Porter:

At the request of Mr. Frank Krivda of the Division of Compliance, enclosed find samples of the referenced product. If you need additional information, please call.

Sincerely yours,



Beth Hirsch Berman

215748.1



HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

1700 DOMINION TOWER
999 WATERSIDE DRIVE
NORFOLK, VA 23510
(757) 622-3366
(757) 629-0660 (FAX)

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TO: Compliance Officers - Division of Correctional Services
FAX NUMBER: 301-504-0359

FROM: Beth Hirsch Berman

DIRECT DIAL NUMBER: (757) 629-0604

NUMBER OF PAGES INCLUDING THIS SHEET: 2

DATE: 12/22/98

CLIENT: Dollar Tree

FILE NO. 1446-1157

MESSAGE:

116

HOFHEIMER NUSBAUM, P.C.

ATTORNEYS AND COUNSELORS AT LAW

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999 WATERSIDE DRIVE
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FACSIMILE (757)629-0660
INTERNET: www.hnlaw.com

bberman@hnlaw.com

December 22, 1998

VIA FACSIMILE (301) 504-0359

Division of Corrective Actions
Office of Compliance
United States Consumer Product
Safety Commission
4330 East West Highway, Room 613
Bethesda, Maryland 20814-4408
Attention: Compliance Officer

RE: Initial Report of Dollar Tree Stores, Inc.
Happy String
SKU #774984

Dear Compliance Officer:

In accordance with the Consumer Product Safety Act, Dollar Tree Stores, Inc. ("Dollar Tree"), by counsel, is voluntarily making this initial report because it has obtained information about a possible defect in the referenced product that may have led to a serious injury. The submission of this initial report does not constitute an admission of liability.

Dollar Tree purchased for resale spray cans of Happy String, SKU #774984 from KMC USA, Inc., 9959 Pacific Avenue, Franklin Park, Illinois 60131. On or about December 9, 1998, Dollar Tree received correspondence from an attorney who advised his client's son was injured when some of the string ignited while the child was blowing out candles on his birthday cake. The child allegedly sustained burns on his face and was taken to a hospital where he was treated and released. By correspondence dated December 11, 1998, KMC USA, Inc. was informed of the incident that gave rise to this report.

For additional information, please contact Beth Hirsch Berman at Hofheimer Nusbaum, P.C., Dominion Tower, Suite 1700, 999 Waterside Drive, Post Office Box 3460, Norfolk, Virginia 23514-3460, (757) 629-0604.

Very truly yours,

Beth Hirsch Berman
Beth Hirsch Berman

BHB/mrf

214442.1

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

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: 1/12/99 PAGES TRANSMITTED 3 + cover

TO: BILL GENTRY

TITLE: _____

OFFICE: _____

FAX #: _____

FROM: FRANK KRUDA

IDI REQUEST

REMARKS: _____

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ATTORNEYS AND COUNSELORS AT LAW

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TO: FRANK KRIVDA
FAX NUMBER: 301-504-0359
FROM: BETH HIRSCH BERMAN
DIRECT DIAL NUMBER: 629-0604
NUMBER OF PAGES INCLUDING THIS SHEET:
FILE NUMBER: 1946-60
DATE: January 11, 1999

121

HOFHEIMER NUSBAUM, P.C.

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BETH HIRSCH BERMAN
DIRECT: (757)629-0604
E-MAIL: bberman@hnlaw.com

January 11, 1999

Mr. Frank Krivda
United States Consumer Product Safety Commission
4330 East West Highway, Room 613
Bethesda, MD 20814-4408

**Re: Dollar Tree Stores, Inc. ("Dollar Tree")
Happy String
SKU #77984**

Dear Mr. Krivda:

In response to your request, the product that caused the alleged injury was purchased at the Dollar Tree Store located in River Falls Mall at Clarksville, Indiana. The child was treated and released from a hospital in Louisville, Kentucky.

Dollar Tree is preparing a recall poster which will be forwarded to you for review and comment as soon as possible.

Sincerely yours,



Beth Hirsch Berman

BHB/sd

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U.S. Consumer Product Safety Comn. on
ASSIGNMENT REPORT

Assign No 990202CRC0582	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOCR
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Investigator	Supervisor Eric B. Ault	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH
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Assign Date 2/2/99	VICTIM INFORMATION
Target Date 3/31/99	
Revised Target Date	
Complete Date	
	City
	State/Zip
	Product Description
	Document Number
	HIA No.

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

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U.S. Consumer Product Safety Comm. on
ASSIGNMENT REPORT

Assign No 990202CRC0583	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOCR
Investigator	Supervisor Eric B. Ault	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH		
Assign Date 2/2/99	Target Date 3/31/99	VICTIM INFORMATION		
Revised Target Date		City		
Complete Date		State/Zip		
		Product Description		
		Document Number		
		HIA No.		

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

124

U.S. Consumer Product Safety Comm. ion
ASSIGNMENT REPORT

Assign No 990202CRC0584	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOCR
Investigator	Supervisor Eric B. Ault	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH		

Assign Date 2/2/99	VICTIM INFORMATION City State/Zip Product Description Document Number HIA No.
Target Date 3/31/99	
Revised Target Date	
Complete Date	

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

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U.S. Consumer Product Safety Comm. on
ASSIGNMENT REPORT

Assign No 990202CRC0585	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOER
Investigator	Supervisor Richard D. Swackhamer	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH		

Assign Date 2/2/99	VICTIM INFORMATION
Target Date 3/31/99	
Revised Target Date	
Complete Date	
City	
State/Zip	
Product Description	
Document Number	
HIA No.	

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda



**U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT**

Assign No 990202CRC0586	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOER
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Investigator	Supervisor Richard D. Swackhamer	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH
---------------------	--	---

Assign Date	2/2/99
Target Date	3/31/99
Revised Target Date	
Complete Date	

VICTIM INFORMATION

City
State/Zip
Product Description
Document Number
HIA No.

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

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U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT

Assign No 990202CRC0587	MIS Code 33700	Status Open	Assign Type Recall Check	Region FOER
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Investigator	Supervisor Richard D. Swackhamer	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH
---------------------	--	---

Assign Date 2/2/99 Target Date 3/31/99 Revised Target Date Complete Date	VICTIM INFORMATION City State/Zip Product Description Document Number HIA No.
---	--

Remarks

Assignment

Conduct three effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

128

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT

Assign No 990202CRC0588	MIS Code 33700	Status Open	Assign Type Recall Check	Region MASC
-----------------------------------	--------------------------	-----------------------	------------------------------------	-----------------------

Investigator	Supervisor Bruce E. Schwartz	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH
---------------------	--	---

Assign Date 2/2/99 Target Date 3/31/99 Revised Target Date Complete Date	VICTIM INFORMATION City State/Zip Product Description Document Number HIA No.
---	--

Remarks

Assignment

Conduct two effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

129

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT

Assign No 990202CRC0589	MIS Code 33700	Status Open	Assign Type Recall Check	Region MASC
-----------------------------------	--------------------------	-----------------------	------------------------------------	-----------------------

Investigator	Supervisor Bruce E. Schwartz	Firm DOLLAR TREE STORE 1141 SMILEY AVE CINCINNATI, OH
---------------------	--	---

Assign Date 2/2/99 Target Date 3/31/99 Revised Target Date Complete Date	VICTIM INFORMATION City State/Zip Product Description Document Number HIA No.
---	--

Remarks

Assignment

Conduct two effectiveness checks in your region. Determine if the attached Dollar Tree stores are aware of the recall. Find out if they are still in possession of the recall product. A report to CRC must include a detailed summary of any problematic findings about the recall.

Case# - 99-490-1154
CO - Frank Krivda

(30



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

Francis J. Krivda
Compliance Officer
Recalls and Compliance Division
Office of Compliance

Tel: 301-504-0608, Ext. 1372
Fax: 301-504-0359
Email: fkrivda@cpsc.gov

JAN 11 1999

Mr. Soon Hong, President
KMC USA Inc.
9959 Pacific Ave
Franklin Park, ILL 60131

RE: Dollar Tree Stores, Inc.
2555 Ellsmere Avenue
P.O. Box 2500
Norfolk, VA 235012500

Party Time Happy String, 1.75 oz
SKU #774984
RP990070

Dear Mr. Hong:

The staff received a report that Party Time Happy String, SKU #774984, sold by your firm to Dollar Tree Stores, Inc, Norfolk, VA was involved in an injury of a young child when string emitted from the product ignited causing burns on the child's face. This information was forwarded to you in a correspondence dated December 11, 1998 from Dollar Tree Stores, Inc. The staff of the Consumer Product Safety Commission obtained a sample (99-490-1154) of the product from Dollar Tree Stores, Inc.

In a conversation with you on January 6, 1999, you reported that approximately 190,400 cans of the Party Time Happy String, SKU #774984 were sold only to Dollar Tree Stores, Inc. in Norfolk, Virginia in October of 1998 and that your firm had no inventory of the product. You also said that you were aware of the injury report. You were unable to provide me with a flammability test report for the product.

The staff tested the product by the method described in 16 C.F.R. § 1500.45 and determined that the product is flammable as defined under 16 C.F.R. § 1500.3(c)(6)(viii) as the flame projection exceeded 18 inches when the valve was opened. Testing also determined that the product exhibited flash back. As a result, the product is a hazardous substance as described under 16 C.F.R. § 2(f)(1)(v) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. §

Page 2

1261(f)(v), and, as it is a child's product, it is a banned hazardous substance under § 2(q)(1)(A) of the FHSA, 15 U.S.C. § 1261(q)(1)(A).

The sale, manufacture for sale, offer for sale in commerce, or importation of any banned hazardous product is a prohibited act under Section 4 of the FHSA. 15 U.S.C. § 1263 and could subject your firm to the Penalties outlined Section 5 of the FHSA. 15 U.S.C. § 1264. As a result, you could be subject to fines of up to \$1.5 million and imprisonment for not more than one year, or both. Please review Chapter 1 of the enclosed Regulated Products Handbook (Handbook) for additional details of these sanctions.

The Commission staff considers this test failure to be extremely serious and asks that you immediately contact Dollar Tree Stores, Inc. and implement a voluntary consumer level recall. This recall program is to include a recall notification letter to be issued to Dollar Tree Stores, Inc., point of purchase recall posters where the product was offered for consumer sale and the issuance of a cooperative press release by the Commission. We also request that you produce a video news release in cooperation with the staff. The staff requests that you carefully review the rest of your product line for other children's products that contain the same chemical composition and therefore may be considered for similar corrective action.

If you disagree with the Commission staff's findings that the product does not comply with the regulations, Chapter 2 of the enclosed Handbook describes the procedures for presenting your views and any supporting evidence to the staff.

If you plan to export the products, you must follow the procedures outlined in Chapter 6 of the Handbook. Failure to do so could subject you to the penalties described in Chapter 1 of the Handbook. The Commission may prevent the export of the products if it determines that their exportation presents an unreasonable risk of injury to U.S. consumers.

Sections 15 and 37 of the CPSA contain requirements for reporting to the Commission information on certain products you manufacture, import or distribute. Chapter 5 of the Handbook describes the reporting requirements applicable to your firm. Chapter 7 of the Handbook contains information about the confidential treatment of information you submit to the Commission.

Please respond by facsimile or by telephone within **24 hours** from the date you receive this letter, outlining the specific corrective actions you plan to take to address the hazard associated with this product. Please direct your response to Frank Krivda Compliance Officer, at the address list above or at the telephone number (301) 504-0400 X1372.

Thank you for your cooperation in this matter.

Sincerely,

Frank Krivda

Enclosure: Regulated Products Handbook

1372



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

Francis J. Krivda
Compliance Officer
Recalls and Compliance Division
Office of Compliance

Tel: 301-504-0608, Ext. 1372
Fax: 301-504-0359
Email: fkrivda@cpsc.gov

JAN 11 1999

Beth Hirsch Berman, Esq.
Hofheimer Nusbaum, P.C.
Attorneys and Counselors
Dominion Tower, Suite 1700
999 Waterside Drive
Post Office Box 3460
Norfolk, Virginia 23514-3460

RE: Dollar Tree Stores, Inc.
2555 Ellsmere Avenue
P.O. Box 2500
Norfolk, VA 235012500

Party Time Happy String, 1.75 OZ
SKU #774984
RP990070

Dear Ms. Berman:

Thank you for your report of December 22, 1998 under section 15(b) of the Consumer Product Safety Act, (CPSA), 15 U.S.C. § 2064(b), regarding Party Time Happy String, SKU #774984, purchased by your client, Dollar Tree Stores, Inc, from KMC USA INC.

You reported that the above referenced product was involved in an injury and that your insurance carrier forwarded the information regarding the incident to your client's supplier KMC USA INC. in correspondence dated December 11, 1998 that was subsequently sent to me. From the information you supplied, a child sustained burns on his face when string from the Party Time Happy String aerosol can ignited while the child was blowing out candles on his birthday cake.

In a telephone conversation on January 6, 1999, you reported that your client stopped sale of the product at all its stores. You also stated that your client was not able to provide us with test reports for this product. Since the supplier did not have samples of the product, you provided the staff with samples of the product. Please request your client to freeze all inventory

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of this product until the matter has been resolved. The Office of Compliance of the U.S. Consumer Product Safety Commission is in contact with the supplier of the product.

If your client receives or learns of any additional information concerning incidents or injuries, or information affecting the scope, prevalence or seriousness of the reported problem, you must report that information to this Office immediately.

If the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, 15 U.S.C. § 2055(a)(3). The Commission may not disclose to the public trade secret information or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission, or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

If you have any questions, you may contact me, at: (301) 504-0608, extension 1372. Thank you for your cooperation in this matter.

Sincerely,

Frank Krivda

Enclosure:

Regulated Products Handbook
Cc: MASC

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**Dollar Tree Stores, Inc., Chesapeake, VA., is
voluntarily recalling
"Party Time Happy String"**

(pictured below)



The "Party Time Happy String" is being recalled because the product is highly flammable. The product comes in round metal spray containers, which are mostly white with various colored plastic caps. Customers are advised to stop using this product immediately.

**For a FULL REFUND
contact your local Store Manager.
For more information, call 1-800-876-8077**

**This recall is being done in cooperation with the
US Consumer Product Safety Commission.**

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