a person is struck the resulting injuries can be serious with eye and facial injuries being the most serious. A direct impact by a water balloon to the thorax or abdomen could result in serious injury, even cardiac arrest as has been reported. Injuries to the face and eye have required hospitalization and surgery and lifelong disability including partial lost of vision.

Information Requested

Please provide the "Full Report" information specified by 16 C.F.R. § 1115.13(d) (1-14) on pages 200-201 of the enclosed Code of Federal Regulatins. In your response, please reference each question number (1-14). The staff is requesting that you provide this information on a voluntary base, but is prepared to require you to to produce this information by use of a subpoena or other means.

In addition to providing the information requested in 16 C.F.R. § 1115.13(d) (1-14), Paragraph 15 of the "Full Report" requests any additional information needed by the staff. In accordance with paragraph 15 (see page 201), please also provide the following additional information:

15a. Copies of all test reports, analyses, and evaluations, including premarket tests and reports of tests and any analyses related to the reported problem. Include the date and place such tests and analyses were conducted by or on behalf of the firm and the identity of the persons involved in the testing and analysis.

15b. Copies of all engineering drawings, engineering change notices and material specifications relevant to the identified problem available to you from the manufacturer.

15c. Concerning the information specified by 16 C.F.R. § 1115.13(d)(6), please include a copy of all safety related consumer or dealer complaints, warranty claims, reports of injury, and copies of all documents related to such complaints, claims and injuries. Please include, copies of all court complaints and related documents filed in or associated with lawsuits involving the product and a description of the resolution of those lawsuits, if any.

15D. Provide two samples of the product, including retail packages and instructions for assembly and use. If there is a cost associated with these samples, notify us prior to sending the samples.

15e. A copy of the firm's catalog or other printed advertising depicting the product.

If the consumer complaints and the other documents requested in Paragraph 15d above are unavailable, please indicate the reason for such unavailability, and provide a summary of the requested

items containing the name, address and telephone number of the claimant, or the name, address and telephone of the plaintiff's attorney.

Voluntary Corrective Actions

The staff requests that Riva Sports, Inc. take voluntary action to stop sale, notify consumers and to recall the Aqua Sling it sold. If the firm agrees to take voluntary corrective action, please submit a written corrective action plan describing the actions which it plans to take. Section 1115.20(a) of the regulations on Substantial Product Hazard Reports, outlines the elements of an appropriate corrective actions plan. The staff will review the firm/s plan promptly and discuss with it any suggestions it has or additional measures it believes Riva Sports, Inc. should take.

The staff welcomes and will give full consideration to any comments or additional information from the firm concerning its preliminary determination. The staff will meet with the firm as necessary to discuss its comments or corrective action.

A voluntary corrective action plan must include an agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged substantial product hazard.

If the firm receives any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, it must report that information to the Western Regional Office immediately. Additionally, if the firm receives information might indicate that its corrective actions are not satisfactory in eliminating the defect or hazard or that the effectiveness of the corrective actions program is less than what has been reported, it must report that information as well.

The staff will make every effort to work closely and cooperatively with the firm to assure a successful corrective action pan which will protect the public while at the same time create a minimum of burden and inconvenience for the firm. If you have any questions or desire assistance in responding to this letter, you may contact Compliance Officer Norvan Allen at (505) 766-2108.

Information Disclosure

The Commission often receives requests for information provided by firms under section 15(b) of the CPSA. Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of such information unless a remedial action plan has been accepted in writing, a complaint has been issued or a firm consents to such release. (See section 6(b) of the CPSA, as amended (enclosed).

In addition to the above, 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, as amended, 15 U.S.C. § 2055(a)(3) and 16 C.F.R. § 1915.18. The commission is prohibited from disclosing to the public information that is in fact trade secret or proprietary commercial r financial data. If the firm does not request confidential statement 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 Freed om of Information Act, 5 U.S.C. § 552(b)(4).

The staff requests that you respond to this letter within ten (10) working days from receipt. Please your reply to:

Norvan Allen, Compliance Officer
Western Regional Office
U.S. Consumer Product Safety Commission
604 Buena Vista SE
Albuquerque, NM 87106
(505) 766-2108 fax 766-2333

Sincerely Yours,

Norvan L. Allen

for Lee D. Baxter, Director
Western Regional Center

Enclosures
Compilation of CPSC Statutes
Title 16 C.F.R. Part 1100 to 1406
Part 1115 Substantial Product Hazard Reports
FOIA Regulations (photocopy from C.F.R.)
Information Disclosure Sheet

cc: CPSC Division of Corrective Actions
Washington, DC 20207

Riva Sport Inc.
P.O. Box 600404
San Diego, Ca. 92160

December 14, 1994

Norvan Allen
U.S. Consumer Product Safety Commission
604 Buena Vista SE
Albuquerque, NM 87106

Dear Mr. Allen:

We have just received your letter of December 1, 1994.

Even though business in the water balloon sling shot game has been declining, and is at a virtual stand-still today, it will take us a week or two, considering the holidays, to properly respond to your request.

As I have been ill recently, and everyone else here at this sheltered workshop is limited by their individual handicaps, your understanding and consideration is very much appreciated.

You will hear from us right after the holidays.

Sincerely,

Robert Jacobs
Manager

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

December 13, 1994

The Honorable Max Baucus
United States Senate
202 Fraud Building
2817 2nd Avenue North
Billings, Montana 59101

Dear Senator Baucus:

Thank you for your letter regarding the sling shot water balloon, which injured your constituent, Erica Bleazard.

The CPSC has this product under active investigation. It is usually not sold as a toy, but rather in the sporting goods department of general merchandise stores

The CPSC has received two other reports of incidents involving this type of product, so the Commission is moving promptly to deal with this device.

Sincerely,

Robert J. Wager

Robert J. Wager
Director Congressional Relations

LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

601 THIRTEENTH STREET, N.W.
SUITE 1200
WASHINGTON, D.C. 20005

(202) 639-6000
(202) 639-6066 FAX

DIRECT DIAL NUMBER:

202-639-6070

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(312) 527-0484 FAX

MIAMI OFFICE
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MIAMI, FL 33131
(305) 530-3535
(305) 530-0008 FAX

LAKE FOREST OFFICE
ONE WESTMINSTER PLACE
LAKE FOREST, IL 60045
(708) 295-9200
(708) 295-7810 FAX

February 1, 1995

HAND DELIVERED

CONTAINS CONFIDENTIAL MATTER & TRADE SECRETS

Ms. Jean Kennedy
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Maryland 20814

Re: Riva Sport, Inc.

Dear Ms. Kennedy:

This is in response to the letter of December 1, 1994 from Mr. Lee D. Baxter of the Western Region Office to Robert Jacobs, President of Riva Sport, Inc. and subsequent conversations regarding the time and nature of our response with Mr. Gidding of your office and with you this morning. I understand that the case has been transferred from the Western Regional office back to CPSC headquarters.

The following information, provided by Riva, is being supplied voluntarily in a spirit of cooperation with the Commission. Hopefully, it will address the concerns of the staff and the inquiries of the Chairman. However, Riva strongly disputes the "preliminary determination" purportedly made by the Compliance staff that the Aqua Sling presents an unreasonable risk of injury requiring reporting to the Commission under Section 15(b) of the Consumer Product Safety Act. In our view, there is neither a defect in the product nor a substantial product hazard as suggested in the December 1, 1994 letter.

Moreover, the extraordinary demand in Mr. Baxter's letter that Riva not only supply the Commission information, but also undertake a recall of the Aqua Sling and cease selling the product indicates a prejudgment about the facts which is highly inappropriate. This demand was made before the Compliance staff had even seen the product and its

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warnings.[1] We are also informed that no other manufacturer of a water balloon sling shot has been issued with a similar demand. In light of the indications I have been given that the Commission is "just getting started" on this project, the demand that this product be banned, issued by a federal agency in Washington to a one-man company in California, can only be viewed as an attempt to regulate by intimidation.

Riva Sport

Riva Sport, Inc. is a one-man operation run by its founder and President, Mr. Robert Jacobs. Riva's address is P.O. Box 600404, San Diego, California 92160. The products are assembled and packaged by handicapped workers in sheltered workshops run by the Association for Retired Citizens in San Diego. Many of the workers have Down's syndrome, but other types of handicaps are also represented among the work force. Depending on the season and the number of orders, anywhere from 35 - 300 handicapped workers may be engaged in the assembly and packaging at any given time.

The Product

Riva Sport sells two versions of its "Aqua Sling" water balloon sling shot. A regular "Recreation model," ASK 100, and a "Competition model," ASK 200.[2] Two additional samples of each model are enclosed for your reference.

Both products consist of a sling or pouch, made of military spec nylon pack cloth with a handle made of heavy-duty webbing on the back. Expandable surgical tubing runs through sewn channels on either side of the pouch. Parachute-grade nylon thread is sewn in box-X and bar tack patterns as is used in military tarpaulin construction. These cloth components are sewn by the suppliers.

The latex surgical tubing is double looped through sponge hand grips that are used by those assisting in operating the sling. The ends are slipped over a dowel on each side which works like a Chinese handcuff, tightening as the tubing is stretched.

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[1] Samples were provided to Mr. Gidding on January 23, 1995.

[2] There are also AS100 and AS200 models which are identical to the ASK versions except they do not contain balloons and fillers.

All components are shipped directly to the sheltered workshops where they are assembled and packaged. The goods are inventoried and shipped from the workshop.

The company knows of no situation in which a design or manufacturing defect in the product has caused injury.

The Warnings

Riva takes extraordinary steps to warn users of proper use and potential hazards from misuse of the product. For instance, on the front of the main panel of the product in bold letters is the following:

FOR AGES 21 AND OVER

The front panel also contains the following:

-WARNING-

Shoot only at Aqua Sling Targets, not at people of personal property.

Personal injury can result from improper use.

The purchaser is also directed to the back of the panel where still more instructions for safe use are set forth, among which are the following:

WARNING! WARNING! WARNING! WARNING!

SERIOUS INJURY OR PROPERTY DAMAGE CAN RESULT FROM IMPROPER USE

AQUA SLING IS NOT FOR USE BY ANYONE UNDER AGE 21 WITHOUT ADULT SUPERVISION

ONE PERSON OPERATION: Warning: DO NOT ATTEMPT - SERIOUS INJURY MAY RESULT.

AQUA SLING IS NOT DESIGNED FOR USE BY ONLY ONE PERSON.

Several other directions for safe use are also provided.

Riva also takes steps to ensure that the user of the product, who may not have seen the packaging, is also alerted. Sewn into the product at the handle where it is sure to be seen is the following:

WARNING: FOLLOW DIRECTIONS.
DO NOT SHOOT AT PEOPLE
INJURY CAN RESULT
USE AQUA SLING BALLOON & TARGET
-AN ADULT GAME - NOT FOR CHILDREN-

The balloons supplied by Riva also contain the newly promulgated warnings for choking hazards.

Riva has gone to extraordinary ends to warn about the consequences of misuse of the product. This responsible approach by Riva is in stark contrast with the product literature of other companies which, for example, encourage use in war games and in connection with boating and ball games, advertise "The Human Water Balloon Sling Shot," and suggest use as an "Anti Pirate Cannon."

Product Marketing

Riva informs us that since the inception of its sales of the Aqua Sling approximately seven years ago, they have sold almost 400,000 units. All Aqua Slings are Riva-branded products; none are private labeled.

Sales are made through approximately 600 outlets -- primarily sporting goods stores. Some sales representatives have been used from time to time and some purchasers buy in bulk, presumably for resale. Business usually comes through word-of-mouth contacts. Riva typically makes mailings to current customers and prospects every year. Enclosed are copies of the promotional material and 1995 price lists.

Claims

There are seven claims for which Riva has records regarding assertions of injury surrounding the products -- six litigations and one demand letter.[3/] Pertinent documents are enclosed. Of these, three involve situations in which rocks were being fired, the tubing was twisted, and the rocks recoiled back striking the shooter. One of these has been inactive since 1992, one was settled for a nuisance value of $3,200, and one resulted in a default judgment because of

---

[3/] The Company has typically forwarded all papers regarding claims to its insurance carrier. An inquiry has been made of the insurance company for any additional claims that Riva does not currently have.

miscommunication between the plaintiff's lawyer and Mr. Jacobs.[4]

Another suit involves a person hit by a potato that had been launched at him. Yet another suit involves a claimant who had consumed approximately 12 beers prior to his injury. The other individuals are being sued for their assault.

One case was advanced by a person unknown to the users of the Aqua Sling. A nuisance settlement of $10,000 was paid.

The other demand letter does not specify the surrounding circumstances.

It is clear that the six cases in which we know the circumstances, each involved gross misuse of the product in violation of the clear and conspicuous warnings on both the packaging and product itself. The use of projectiles such as rocks and potatoes, drunken behavior, and aiming at people are the types of personal irresponsibility over which the manufacturer has no control and should bear no responsibility.

Request for Confidentiality

Riva submits that the contents of this letter, are, in their entirety, confidential information (including but not limited to trade secrets), the disclosure of which would cause great harm to Riva. Additionally, because this information is submitted in response to a demand for information under Section 15(b) of the Consumer Product Safety Act, 15 U.S.C.A.§ 2064(b), Riva asserts that the material may not be disclosed to the public pursuant to Section 6(b)(5) of the Act and other provisions of law.

* * * * * *

Riva's Aqua Sling presents analogous issues to those raised with Roller Blades which have been studied in detail by the Commission since 1991, although roller blades have been associated with large number of injuries including deaths. The Chairman was quoted in that case as follows:

---

[4] The default judgment was subsequently compromised and settled.

> CPSC staff has not identified anything particularly wrong with the skates and has not identified design fixes that would reduce injuries...There is no recall...There is no compliance action...What is needed is responsible behavior.

Product Safety Letter, Vol 23, No 24, pp. 1-2.

The Aqua Sling fits squarely into this rationale.

The demand for a ban is inconsistent, in our view, with statutory authority, Commission precedent, and fundamental notions of fairness. However, Riva Sport would welcome the advice of the Commission staff as to how its warnings might be improved to ensure appropriate use of its product and we stand ready to meet with you to discuss this at any time.

Very truly yours,

Brock R. Landry

Brock R. Landry

cc: Robert L. Jacobs
Michael Gidding, Esq.

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

April 11, 1995 Draft

Brock R. Landry, Esq.
Jenner & Block
601 Thirteenth Street, N.W., Suite 1200
Washington, D.C. 20005

Re: Riva Sport, Inc.

Dear Mr. Landry:

This is a follow-up letter to you regarding the Division of Corrective Actions investigation of the Riva Sports Aqua Sling Water Balloon Sling Shots, ASK-100 and ASK-200.

At present, Riva Aqua Slings have been known to be involved in 15 serious injuries. These include 14 incidents where the water balloon hit the eye, fracturing the facial bones around the eye, tearing the retina or iris and causing permanent loss of vision. One incident left a 13 year old paralyzed after being hit on the neck. Five other eye, jaw, teeth injuries are attributed to Riva Aqua Slings which were loaded with rocks and potatoes when balloons were not available.

Water balloons are thrown to break and splash water on either a willing or on an unsuspecting person. It is a pretense to present this as a game of skill where it will be exciting to shoot at a 9"X9" piece of plastic on the ground.

In addition, this product is not a perceived hazard, but a latent hazard. Human experience with water and balloons does not include serious injury. Neither the person launching balloons filled with water nor the person being hit will be concerned. Our technical staff found that the trajectory of these balloons was relatively flat, and the speed was comparable to a thrown baseball, neither of which is associated with a fun water toy.

Which brings us to the warnings and directions included with the product:

1. "is an adult game.. for ages 21 and over...not for use by anyone under age of 21 without adult supervision"

Completely ignored as expected. Teens and 20 year olds are not supervised, nor expected to be. Data shows use by 14 year olds to 35 year olds.

2. "follow instructions - serious injury or property damage can result from improper use"

   Unclear message: A) what constitutes improper use, i.e. not pulling sling back straight? using rocks? B) what kind of serious injury is possible with a balloon? C) serious injury is a vague term D) Following the instructions of how to hold it and stretch it has nothing to do with injury and property damage occurring.

3. "Water balloons launched from a sling shot travel at speeds fast enough to cause serious injury, especially to eyes."

   Good attempt to present speed; but not type of injury. Poor placement for an important warning: very small print, bottom of page; second sentence after first sentence which is likely to be ignored.

4. "one person operation.. not designed for use by ..."

   Clear warning.

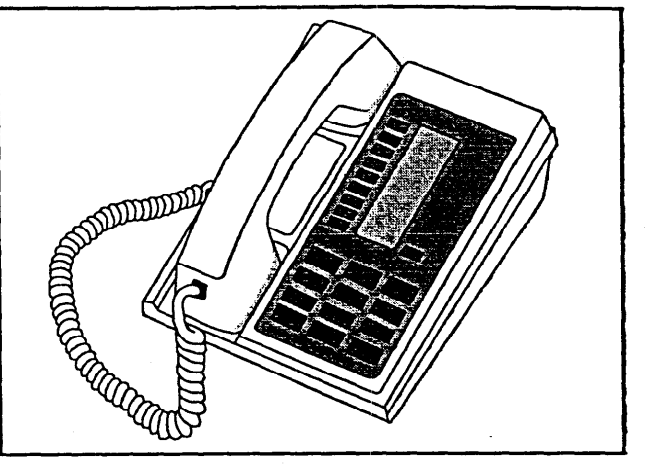
CPSC staff considers this product, as it is designed, to be likely to continue to cause serious injuries. The firm is requested not continue to make these slings which will continue to be used to launch the balloons at people and cause injuries and switch to producing other water products which are fun and not potentially hazardous. The firm could choose to redesign the product in some way, if that would change the expected results. The most important aspect of the potential for hazard is that human behavior and attitudes about this product are unlikely to change.

The staff is concerned about the firm taking action now before the summer season when it can be anticipated the same types of incidents would occur.

Sincerely,

Marc J. Schoem
Director
Division of Corrective Actions

MEMORANDUM OF TELEPHONE CALL



Brock Landry, Esq.
for Rivo. 2/23/95

1. Yes I sent you 5 IDIs yesterday which you requested.
2. You should have received a copy for our Clearinghouse. He didn't know if Jacobs did.
3. "Before CPSC had a product, they had decided it was a banned product," Brock stated.
4. Don't believe that's a fact. Just because we req new samples. Packaging a product may have changed.
5. Remember - if you have add. inc, claim, put you must in report that.
6. "How you will be doing this case?" B.L.
7. In a few weeks, we will discuss. We are still investigating inc. and we can work this out.
8. "We will object to BAN. We will discuss labeling.

LAW OFFICES

JENNER & BLOCK

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601 THIRTEENTH STREET, N.W.
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202-639-6070

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(708) 295-8200
(708) 295-7810 FAX

February 8, 1995

BY TELECOPIER

Ms. Jean Kennedy
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Maryland 30814

Re: Riva Sport, Inc.

Dear Jean:

To confirm our conversation of this afternoon, I request copies of all accident reports, in-depth investigations or other documents related in any way to products manufactured by my client, Riva Sport, Inc.

I appreciate your assistance in this matter.

Very truly yours,

Brock

Brock R. Landry

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agreed to on 5-1-95

⚠ WARNING

Facial

Fractures ~~or~~ and severe eye damage

Water balloons are shot at ~~high~~ speeds ~~(~~ up to 65 mph. ~~mph).~~
~~Being hit with a water balloon can cause severe eye damage and broken bones.~~

Never shoot at people.

Into
consequence
Hunto and

Author: Jean Kennedy at CPSC .2
Date: 4/19/95 4:46 PM
Priority: Normal
TO: George B. Sweet
Subject: Label for Riva Water Balloons

---------- Message Contents ----------

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

George - W#ill you discuss a VERY strong label to send to RIVA with me. I would like an alternative to your suggested label in your Feb 23 PSA #9984. Here is one of my examples. Come back with your ideas.

WARNING

Severe eye injuries and facial fractures can result from water balloon impact.

Launch speeds can be 65 mph.

Do not shoot at people. ~~or pets.~~

Riva Sport 800-333-9222

20ft p sec = 45 mph

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FOR OFFICIAL USE ONLY

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

April 21, 1995

Brock R. Landry, Esq.
Jenner and Block
601 13th Street, N.W., Suite 1200
Washington, D.C. 20005

Re: Riva Sport, Inc.

Dear Mr. Landry:

This is a follow-up letter to you regarding the Division of Corrective Actions investigation of the Riva Sports Aqua Sling Water Balloon Sling Shots, ASK-100 and ASK-200. Our analysis of the information currently available supports the conclusion that serious injuries will continue to occur with these products as they are marketed.

At present, Riva water balloon sling shots have been specifically identified as being involved in 15 serious injuries in which the projectile was a water balloon. These include 14 incidents in which the balloon contacted the eye area, fracturing facial bones, tearing the retina or iris, and, in some cases causing permanent loss of vision. The fifteenth incident left a 13 year old paralyzed after being hit on the neck. Five additional incidents involving eye, teeth, and jaw injuries are attributed to rocks or potatoes fired from Riva Aqua Slings.

The Commission staff believes that the injuries with water balloons are directly related to the fact that neither victims nor users appreciate the hazards associated with the impact of a water balloon at high speeds. Human experience with water balloons does not include injury of any type, nor would infer that injuries of the severity associated with the Aqua Sling would occur.

The disclaimers that accompany the product do nothing to minimize the hazard. As the incident data demonstrates, statements characterizing the product as part of a game of skill for adults over 21 years of age to shoot balloons at a 9" by 9" piece of plastic on the ground is completely unrealistic and ignores the generally recognized purpose of water balloons - to soak a willing or unsuspecting person. Moreover, most of the other warnings that accompany the product appear on packaging that will be discarded upon initial use. Warnings that appear on the product itself are neither conspicuous nor specific enough to

adequately convey the risk of injury associated with firing water balloons at individuals.

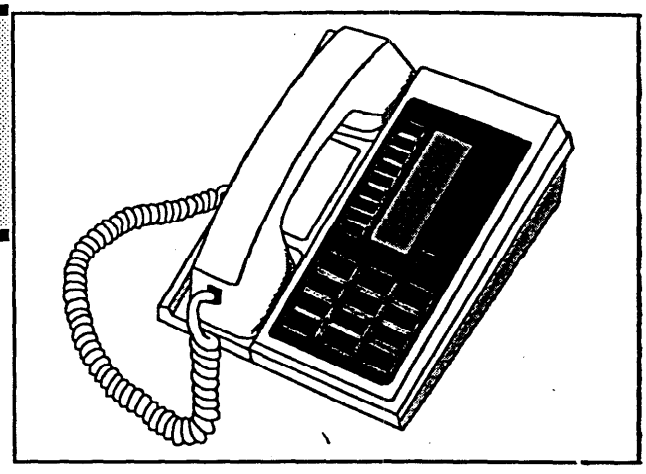
The staff has serious doubts that more specific labeling will significantly alter the human behavior and attitudes that result in the patterns of use indicated by the incidents described above. However, rather than prejudging this issue at the present time, the staff requests that Riva Sports label each Aqua Sling water balloon slingshot with an explicit and conspicuous warning communicating the serious hazard that arises when water balloons are fired at people. An example of such a label is attached. We also request that Riva revise its package warnings to be more explicit and conspicuous. Our technical staff will be available to confer with you on specific revisions.

We request that Riva Sports take this action before the summer season begins and when it could be anticipated that the same types of incidents could occur. Please contact Jean Kennedy of my staff if you need additional information or wish to discuss this matter further.

Sincerely,

Marc J. Schoem
Director
Division of Corrective Actions

MEMORANDUM OF TELEPHONE CALL



JEAN KENNEDY

DATE: 6-27-95 TIME: _____

NAME: Brock Landry
FIRM: Tenner & Block
TELEPHONE: _____
SUBJECT: Label for Riva Water Balloon Sling Shots

DISCUSSION: Warnings on Product Label

(1) Check on Firm name & phone on labels for tops?

(2) 75 mph instead of 65 mph.
Flying water balloon can reach ~~speeds of~~ 75 mph.

(3) Must be used by 3 persons only.

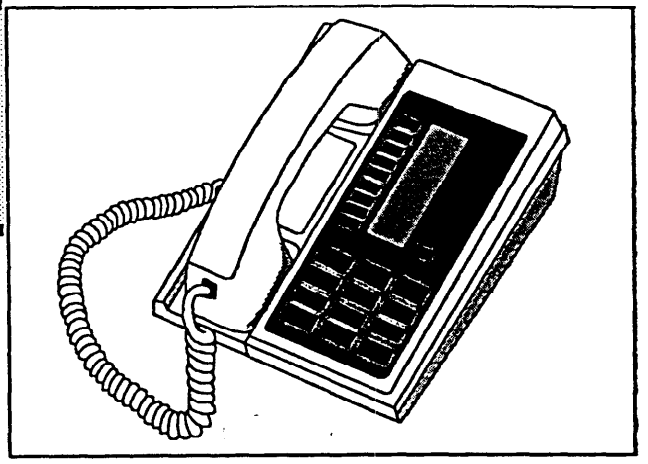
Label = vertical, sewn down
= 3" X 1½"

Yellow rather than orange - ins co said so.

NEXT ACTIONS: Caps - NO

Card in package - larger by ½"

MEMORANDUM OF TELEPHONE CALL



JEAN KENNEDY

DATE: 6-20-95 TIME:

NAME: Brad Landry
FIRM: Riva
TELEPHONE:
SUBJECT:

DISCUSSION:
Landry spoke to Jacobs on Friday + Monday.
Jacobs has not gotten back to him.

NEXT ACTIONS: Will contact me on Thursday COB

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207-0001

OFFICE OF COMPLIANCE
Division of
Corrective Actions

Jean Kennedy
Compliance Officer
Tel: 301-504-0608 Ext. 1360
Fax: 301-504-0359

DATE: 6-15-95 NO. PAGES 1

TO: Brack Landry

OFFICE:

FAX #: 202-639-6066

MESSAGE: 65 mph may be on the low side of usage by virile, young males stretching the tubing at least 6ft!
(Attached is our testing in low ranges of stretching.
It has been a month since our meeting and we ask that we agree to and begin implementing the labeling now at the height of this product's season.
~~Call from conference call on Friday, June 16 or Monday, June 19 to settle dates.~~
Please call Tuesday (before 2:00) to discuss firm's plan.

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LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

601 THIRTEENTH STREET, N.W.
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(202) 639-6000
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(305) 530-0008 FAX

LAKE FOREST OFFICE
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LAKE FOREST, IL 60045
(708) 295-9200
(708) 295-7810 FAX

June 7, 1995

Ms. Jean Kennedy
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Maryland 20814

Re: Riva Sport, Inc.

Dear Jean:

As we discussed yesterday, Riva Sports believes that it should not be treated more harshly than its competitors whose warnings are much less extensive than those currently used by Riva. Enclosed is a product made by Sling King of Houston, Texas for your review. I am informed that the following are current addresses of other water balloon sling manufacturers:

Jack Ford
Sling King, Inc.
16810 Barker Springs #217
Houston, Texas 77084

Eric Magnuson
C.X. Blaster Inc.
13218 Jessica Drive
Springhill, Florida 34609

Mr. Jacobs has been in the midst of travel, but I am informed that we will have some concrete proposals for you on warning modifications by the end of next week.

Very truly yours,

Brock

Brock R. Landry

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Author: Jean Kennedy at CPSC-P
Date: 5/17/95 10:47 AM
Priority: Normal
TO: Marc J. Schoem
TO: Michael J. Gidding
Subject: RIVA mtg log

---------- Message Contents ----------

5/17/95 mtg with Brock Landry (Jenner & Block) representing RIVA SPORT, Carlsbad, CA - owner Robert Jacobs.

1. Label on sling pouch:
   - Change to horizontal position
   - Fewer words - our words (?possibly) A
   - Color - change to orange
   - Use ANSI for letter size, not caps A
   - Stitch down label - not flapping
2. Label on instructions (front) A
   - Same as label on product
   - Larger type also (ANSI)
3. Will respond end of next week (May 26)
4. Asked for ES report on 65mph (Gidding will test; Deppa just used calculations.)
5. Our response to Jacobs;
   - Not requesting recall or redesign at this time
   - Will try labeling to change behavior
   - If injuries continue, we may consider other action.
   - Yes. We are looking at competitors, period.

(Marc - you cc Schmeltzer? if appropriate.)

Telecon: 5/30 - Landry did not reach R. Jacobs last week. Will confer w him & get back in a day or two.

Jacobs: spoke to HF person - flapping.