

Statement of Commissioner Robert Adler: Retraction

At the Commission meeting on Wednesday, November 4, 2009, I criticized Learning Curve Brands, Inc. for what I believed to be its marketing of a toy tractor that violated the lead limits under the recently enacted Consumer Product Safety Improvement Act (CPSIA), while simultaneously seeking an exclusion from the law for certain brass parts that contained lead. I based my criticism on a report to me from someone who had purchased the toy tractor through the internet several days before the vote.

Subsequent to the vote, Learning Curve told me that, in fact, the company had stopped distributing the tractors with the lead-based brass parts in February 2008 in anticipation of the new lead requirements in the CPSIA. **In other words, based on the information I received from Learning Curve, the company has done everything that the law required and is not noncompliant as I alleged.**

I deeply regret my misstatement. I have called and spoken to Gary Jones, the quality assurance director of Learning Curve, to apologize for my mistake. Based on my conversation, I found him to be a person of great integrity. I have told him that I will do my best to correct the error in every way possible. Again, I regret the error.