



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

OFFICE OF COMPLIANCE
Division of
Division of
Corrective Actions

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

DATE: 5-2-95 NO. PAGES 2
TO: Brock Landry
OFFICE: _____
FAX #: 202 639-6066

MESSAGE: _____
Addendum to April 28 letter.

LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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

(202) 639-6000
(202) 639-6068 FAX

DIRECT DIAL NUMBER:

202-639-6070

May 2, 1995

BROCK R. LANDRY

CHICAGO OFFICE
ONE IBM PLAZA
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(312) 232-8380
(312) 827-0888 FAX

MIAMI OFFICE
ONE BISCAYNE TOWER
MIAMI, FL 33131
(305) 830-3838
(305) 630-0008 FAX

LAKE FOREST OFFICE
ONE WESTMINSTER PLACE
LAKE FOREST, IL 60048
(708) 288-9200
(708) 288-7810 FAX

Mr. Marc J. Schoem
Director
Division of Corrective Actions
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Maryland 20814

Re: Riva Sport., Inc.

Dear Mr. Schoem:

This is in response to your certified letter of April 21 regarding Riva Sports which I received yesterday and the faxed warning which also arrived today. Although the Company does not agree with a number of the characterizations in your letter, as I noted in my earlier letter to Ms. Kennedy, Riva would be happy to discuss suggested improvements to the warnings that it now employs on its Aqua Sling.

I also noted that there are additional reports involving the Aqua Sling. I would appreciate receiving copies of the pertinent documents on the new incidents.

sent

I will give Ms. Kennedy a call within the next few days to set up a meeting.

Very truly yours,

Brock R. Landry
Brock R. Landry

cc: Ms. Jean Kennedy

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

OFFICE OF COMPLIANCE
AND ENFORCEMENT
Division of
Corrective Actions

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

May 1, 1995

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

Dear Mr. Landry:

This letter is to convey our technical staff's suggested label to be placed on the Riva Aqua Slings. It appears that our letter was sent without the label enclosed. We would like to set up a meeting to discuss the best label location to assure that young consumers will see it and the same with package warnings. Contact me at 301-504-0608, extension 1360 this week with a date(s) that we could agree to.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Kennedy".

Jean Kennedy
Compliance Officer

LABEL FOR BALLOON SLING SHOTS
May 1, 1995
CPSC/Division of Corrective Actions

 **WARNING**

Facial fractures and severe eye damage
Water balloons are shot at high speeds up to ⁷⁵~~65~~ mph.
Never shoot at people.

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July 6, 1995

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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:

This will confirm our conversation of last week regarding the proposed warnings for Riva Sports Aqua Sling products.

Riva has indicated to the Commission that it will make the following changes in the warnings placed on the pouch in an effort to further stress the directions and cautions that are currently on its products:

1. Positioning. Riva will sew down the warning on both ends so that it is flat to the contour of the pouch. Although Riva believes that the movement of the label if sewn down on one side can draw more attention to the warnings, we recognize that opinions can vary on this point and will accede to your recommendation.

We also discussed the Commission's position that the warning label should be in a horizontal position rather than vertical. We feel strongly that a vertical label is more easily read by the user and propose to continue this positioning. Because there is no top or bottom of the product, a horizontal positioning would result in the warnings being upside down half of the time.

2. Size of Label. Riva has agreed to expand the size of the label by increasing its width by approximately 50% and extending the length down close to the edge of the pouch.

50

Ms. Jean Kennedy
July 6, 1995
Page 2

3. Color. Riva has been advised that the fluorescent yellow currently being used is a preferable color to the orange suggested by the Commission staff. We agreed that the yellow color provided striking contrast with the background and was conspicuous and eye-catching.

4. Warning Language. The company has agreed to put the signal word "WARNING" with an exclamation point in triangle at the top of the label. We also agreed to include the three messages suggested by the Commission in our May 17 meeting, namely: reference to the potential for facial fractures and severe eye injury if misused, reference to the speed of the balloons (up to 75 mph), and continuation of our existing warning regarding never shooting at people.

Although I understand the Commission's concern regarding "cluttering," we also feel strongly that additional wording over and above that recommended by the Commission is advisable. We will continue to warn against use of the product by children. We also intend to strengthen the direction that the product be used by three people.

5. Type Face. We discussed that the type size on the label would be as large as possible within the confines of the label and the required verbiage. You again expressed the strong preference of the Commission that Initial caps be used rather than all caps as currently employed. Riva's position is that all caps provide larger type and therefore more prominence. We agreed to explore the possibility of using initial caps with the rest of the lettering being approximately 3/4 size of the capital letters.

I also indicated to you that modifications would be made to the warnings on the panel included with the product's packaging.

Riva is currently looking into the changes that are required with its suppliers and in its operations to accommodate these agreements and will inform you promptly of its anticipated timing for implementation.

Very truly yours,



Brock R. Landry

cc: Robert Jacobs
Jerry Jacobs

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LAW OFFICES

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July 6, 1995

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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:

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Very truly yours,



Brock R. Landry

cc: Robert Jacobs
Jerry Jacobs

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July 6, 1995

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

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Ms. Jean Kennedy
July 6, 1995
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Very truly yours,



Brock R. Landry

cc: Robert Jacobs
Jerry Jacobs

SS

LAW OFFICES

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July 10, 1995

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(708) 266-7810 FAX

BROCK R. LANDRY

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:

This is a follow-up to my letter of July 6 regarding Riva Sports. Mr. Jacobs has agreed to the Commission's recommendation to use initial capitals with 3/4 size for the other letters in the label words. The signal word WARNING will be in all caps. He informs me that the package inserts and labels will be ordered today or tomorrow and that they should be available for inclusion with the product within two to three weeks.

I am pleased that this matter could be amicably resolved.

Very truly yours,



Brock R. Landry

cc: Robert Jacobs

2

LAW OFFICES

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DIRECT DIAL NUMBER:
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July 10, 1995

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BROCK R. LANDRY

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

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57



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WASHINGTON, D.C. 20207-0001

OFFICE OF COMPLIANCE
AND ENFORCEMENT
Division of
Corrective Actions

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

July 10, 1995

Mr. Brock Landry, Esq.
Jenner & Block
601 Thirteenth Street, NW
Washington, DC 20005

RE: Riva Sport, Inc.

Dear Mr. Landry:

In response to your July 6, 1995 letter, the staff requests the following regarding the agreed-to improved warnings about potential serious eye injuries on Riva Aqua Slings, as discussed with the Commission staff:

- . Please provide the warning text as it will appear on the product and on the panel in the packaging. Fax this text (as it will appear on both) to Jean Kennedy, Division of Corrective Actions, 301-504-0359 on Tuesday, July 11, 1995.
- . Also provide a sample of the product and the panel with the new warnings, as soon as they are completed.

This confirms my telephone call on July 10, 1995 requesting the above. The firm's prompt action to include revised labels on its water balloon slings as quickly as possible in the next two weeks of July for the benefit of this summer's users is appreciated.

Sincerely,

Jean Kennedy
Division of Corrective Actions



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: 7-10-95 NO. PAGES 1

TO: Brooks Leady

OFFICE: Jennmar Block

FAX #: 202-639-6066

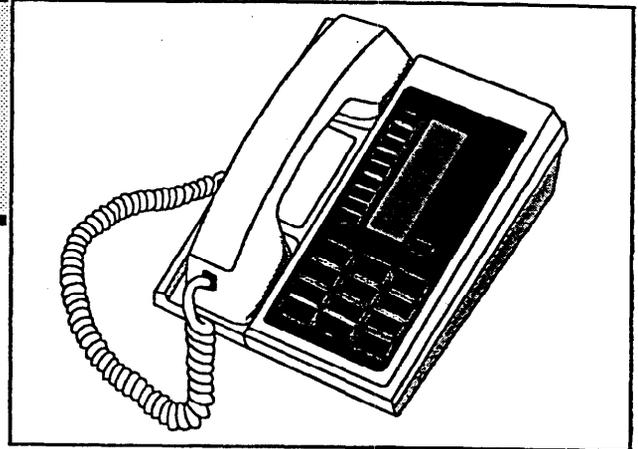
MESSAGE: This confirms your letters
and my phone message
today.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	2647
CONNECTION TEL	92026396066
CONNECTION ID	
START TIME	07/10 17:05
USAGE TIME	00'55
PAGES	2
RESULT	OK

**MEMORANDUM OF
TELEPHONE
CALL**



JEAN · KENNEDY

DATE: 7-10-95

TIME: 4:30

NAME: Brock Landy

FIRM: _____

TELEPHONE: _____

SUBJECT: Label left voice message

DISCUSSION:

*Please fax text to me today or tomorrow.
We do not have a final text wording.
We agreed on substance, letter size, etc.*

NEXT ACTIONS:

Composing letter - faxed today.

LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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BROCK R. LANDRY

July 11, 1995

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(305) 530-0008 FAX

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

BY FAX

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:

Enclosed is a communication from Riva Sports including the copy for the revised warnings that they intend to use. The actual size of the label is 3-1/2" x 1-3/8" -- the size on the sheet was reduced in transmission.

In light of your fax of yesterday, the company has put a hold on the order until we hear back from you.

Very truly yours,



Brock R. Landry

cc: Robert Jacobs

Riva

SPORT INC.

'THE FUN COMPANY'™

July 11, 1995

Brock R. Landry
Jenner & Block
601 Thirteenth Street NW
Washington, D.C. 20005

Labels depicted as actual size.
Letter size will be enlarged to
fit available space. With your
approval, labels can be made in:
2 weeks, insert card in 1 week.
Installation will be immediate.

WARNING LABEL ON PRODUCT

WARNING: FOLLOW DIRECTIONS
- NEVER SHOOT AT PEOPLE -
Facial Fractures & Severe Eye
Damage Can Result - Flying Water
Balloons Can Approach 75 MPH
An Adult Game - Not For Children
Must Be Used By 3 Persons Only

INSERT CARD IN PACKAGE



WARNING:
CHOKING HAZARD - Children under 6 yrs.
can choke or suffocate on uninflated or
broken balloons. Adult supervision required.
Keep uninflated balloons from children.
Discard broken balloons at once.

FOR AGES 21 AND OVER PATENTED

RECREATION MODEL 100 YD RANGE

- WARNING -
FOLLOW DIRECTIONS: NEVER SHOOT AT PEOPLE - Severe Eye Damage & Facial Fractures
Can Result - Flying Water Balloons Can Approach 75 MPH. Not For Use By Children
This Is An Adult Game For Use By 3 Persons Only. - Not To Be Used By One Person.
- Use Only Aqua Sling Supplied Water Balloons & Target -

TEL: 619-287-3511 FAX: 619-287-3533
6054 CAMINITO DE LA TAZA, SAN DIEGO, CALIFORNIA USA 92120

TO :

PHONE : 12026396066

.11.1995 12:21PM P 1

FROM : Riva Sport Inc. San Die, CA USA

PHONE : 619 287 3533

Riva

SPORT INC.

THE FUN COMPANY™

July 11, 1995

Brock R. Landry
Jenner & Block
601 Thirteenth Street NW
Washington, D.C. 20005

WARNING LABEL ON PRODUCT

Labels depicted as actual size.
Letter size will be enlarged to
fit available space. With your
approval, labels can be made in
2 weeks, insert card in 1 week.
Installation will be immediate.

WARNING: FOLLOW DIRECTIONS

- NEVER SHOOT AT PEOPLE -
- Facial Fractures & Severe Eye
- Damage Can Result - Flying Water
- Balloons Can Approach 75 MPH
- An Adult Game - Not For Children
- Must Be Used By 3 Persons Only

Capital letters
 $\frac{1}{8} = \frac{1}{16}$

- ① Prominence - best
- ② Conspicuous - type size
- Will expand letter to size of path on product
- Yours are not quite
- ③ 1 week to 10 days - panel
- 2 weeks for label on prod

RD IN PACKAGE



FOR AGES 21 AND OVER

RECREATION MODEL 100 YD RANGE

- WARNING -

FOLLOW DIRECTIONS: NEVER SHOOT AT PEOPLE - Severe Eye Damage & Facial Fractures Can Result - Flying Water Balloons Can Approach 75 MPH. Not For Use By Children This Is An Adult Game For Use By 3 Persons Only - Not To Be Used By One Person. - Use Only Aqua Sting Supplied Water Balloons & Target -

TEL: 619-287-3811 FAX: 619-287-3533
6054 CAMINITO DE LA TAZA, SAN DIEGO, CALIFORNIA USA 92120

LAW OFFICES

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July 11, 1995

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(708) 298-7810 FAX

BY FAX

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U.S. Consumer Product Safety Commission
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Very truly yours,



Brock R. Landry

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BROCK R. LANDRY

August 23, 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:

This is in response to your recent communication regarding the implementation of the agreement regarding Riva Sports. Enclosed with the hard copy of this letter is the revised panel that is now being used with the Aqua-Sling packaging. I am also advised by Mr. Jacobs that the labels for the pouch have been ordered and will be sewn into the products within the next ten days.

Please also be advised that we are no longer representing Riva.

Very truly yours,



Brock R. Landry

cc: Robert Jacobs

66



LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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TWELFTH FLOOR
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(202) 639-6066 FAX

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August 21, 1995

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LAKE FOREST, IL 60048
(708) 288-9800
(708) 288-7810 FAX

BROCK R. LANDRY . . .

BY FAX

Mr. Robert Jacobs
President
Riva Sports
6054 Caminito de la Taza
San Diego, California 92120

Re: CPSC

Dear Bob:

Further to your fax of yesterday afternoon, the final approval from CPSC came on July 14 at which time we promised to process orders for the product labels as quickly as possible. (See my letter of July 14 to Jean Kennedy on which you were copied.)

The Commission staff is extremely unhappy that our agreement has not been implemented in the time frame promised. I understand that you will be forwarding the product as relabeled as soon as it is available.

Very truly yours,

Brock R. Landry

cc: Jerry Jacobs

67

7

Riva

SPORT INC.

'THE FUN COMPANY'™

August 18, 1995

Brock R. Landry
Jenner & Block
601 Thirteenth Street NW
Washington, D.C. 20005

Dear Brock:

I haven't sent samples of the up-graded warnings, as I was of the impression (apparently mistaken) that I was to wait for final approval of the copy from CPSC before printing the actual labels.

We went ahead and printed / installed the insert card in the packaging, as we were out of these cards and had to print them anyway. They have been used in all packaging shipped since July 15, 1995.

The tag labels to be sewn on the back of the balloon pouch have been ordered, and we expect to begin sewing them onto the pouches beginning in 10 days.

All products have balloon choke warnings on front of package and inside of package since required by law earlier this year.

As our Summer selling season virtually ends July 5 of each year, we have shipped very little product since then, and present-day orders are just one or two very small orders per day.

We will try to limit shipping any orders until we can install the new sew-on labels next week.

We are grateful for your assistance in this matter, and we look forward to putting it to rest soon.

I am Fed Exing a sample of the product with the up-graded insert card and balloon choke warnings, as well as extra new insert cards.

Sincerely,



Robert L. Jacobs
President

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August 17, 1995

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BROCK R. LANDRY

BY FAX

Mr. Robert Jacobs
President
Riva Sports
6054 Caminito de la Taza
San Diego, California 92120

Re: CPSC

Dear Bob:

Jean Kennedy from the CPSC left a voice mail for me this afternoon asking where we stood on the label and panel changes that were agreed upon. Please send me ASAP the actual product, as modified, so that I can forward it to her.

Very truly yours,



Brock R. Landry

cc: Jerry Jacobs

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