

IN THE MATTER OF

ORDER
FOR
SUMMARY
ACTION

SPECIFIED TOY PRODUCTS CONTAINING LEAD PAINT
IN EXCESS OF THE STANDARD SET FORTH IN
PUBLIC HEALTH LAW SECTION 1371(1)

WHEREAS, lead exposure endangers children and is one of the most preventable childhood health problems in New York State today; and

WHEREAS, exposure even to low levels of lead increases a child's risk of developing permanent learning disabilities, reduced concentration and attentiveness and behavioral problems; and

WHEREAS, higher levels of lead can cause mental retardation, kidney disease, liver damage and even death; and

WHEREAS, Public Health Law section 1371(1) provides in relevant part that no person shall manufacture, sell or hold for sale a children's toy having paint containing more than 0.06 of one percent of metallic lead based on the total weight of the contained solids or dried paint film; and

WHEREAS, the New York State Department of Health, working in cooperation with the New York State Consumer Protection Board, has recently obtained toy products offered for sale in various retail establishments in New York State for the purpose of identifying toys that may contain lead paint in excess of the standard set forth in Public Health Law section 1371(1); and

WHEREAS, the New York State Department of Health's Wadsworth Center has

tested the toy products obtained and has found toy products having paint in excess of the standard are being sold or held for sale at various stores in New York State; and

WHEREAS, based upon the foregoing, the Commissioner of Health of the State of New York is of the opinion that the continued sale or holding for sale of such toy products is a condition that constitutes a danger to the health, safety and welfare of the people of the State of New York; and

WHEREAS, it therefore appears to be prejudicial to the interest of the people to delay action for fifteen (15) days until an opportunity for a hearing can be provided in accordance with the provisions of Public Health Law Section 12-a.

NOW, THEREFORE, PURSUANT TO PUBLIC HEALTH LAW SECTION 16, THE COMMISSIONER OF HEALTH OF THE STATE OF NEW YORK HEREBY ORDERS THAT the distributors and retail sellers named in Attachment A, and all other distributors and retail sellers and other persons presently unknown, who have been or are currently engaged in the sale or distribution of any of the toy products listed in Attachment B, into or within the State of New York, shall immediately cease the sale and distribution of such toy products and remove them from availability to purchasers and consumers.

FURTHER, NOTICE IS HEREBY GIVEN THAT:

1) Any person who is subject to this Order for Summary Action is provided an opportunity to be heard at 10:00 a.m. on the 19th day of December, 2007, at the offices of New York State Department of Health, Bureau of Adjudication, Hedley Park Place, 433 River Street, 5th Floor South, Troy, New York 12180, to present any proof that the sale or distribution of the specified toy products does not constitute a danger to the

health of the people of the State of New York. If any person subject to this Order for Summary Action desires a hearing on December 19, 2007, a request for a hearing must be made in writing to the Director, Bureau of Administrative Hearings, New York State Department of Health, Corning Tower, Room 2412, Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237, and be received by the close of business on December 13, 2007.

2) Any person who violates this Order for Summary Action is liable for a civil penalty of up to \$2000 per violation in accordance with Public Health Law section 12 in addition to such other penalties as may be provided by law.

DATED: Albany, New York
10 December , 2007

NEW YORK STATE DEPARTMENT OF HEALTH



RICHARD F. DAINES, M.D.
Commissioner of Health

Attachment A

A.A. of America, Inc.
12 Edgeboro Road
Unit #2
East Brunswick, New Jersey 08816

Encore Sales
Concord, Ontario L4K3N7
Canada

Hai Da Trading USA, Inc.
223 Varick Avenue
Brooklyn, New York 11237

Big Apple 99 Cent
179-55 Hillside Avenue
Jamaica, New York 11432

Checkout
210 West 125th Street
New York, New York 10027

United Metro
238 Johnson Avenue
Brooklyn, New York 11206

Jackie's Discount Store
381 Avenue X
Brooklyn, New York 11223

M & A 99 Cent Plus
144 Port Richmond Avenue
Staten Island, New York 10302

Ming's 99 Cent City #5
710 Horatio Street
Utica, New York 13505

Ming's 99 Cent City #4
1440 Central Ave.
Albany, New York 12205

Ming's 99 Cent City # 7
4777 Commercial Drive
New Hartford, New York 13413

99 Cent Corporation
3351 Broadway
New York, New York 10031

YSL Distributors
2247 Coney Island Avenue
Brooklyn, New York 11223

Jet 99 Cent Store
1967 Crotona Avenue
Bronx, New York 10457

Dollar Universe
566 West 125th Street
New York, New York 10027

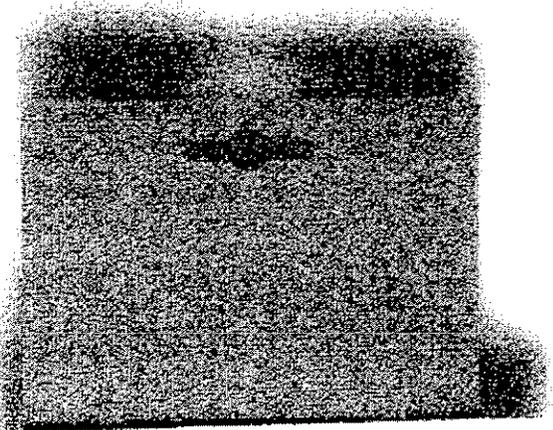
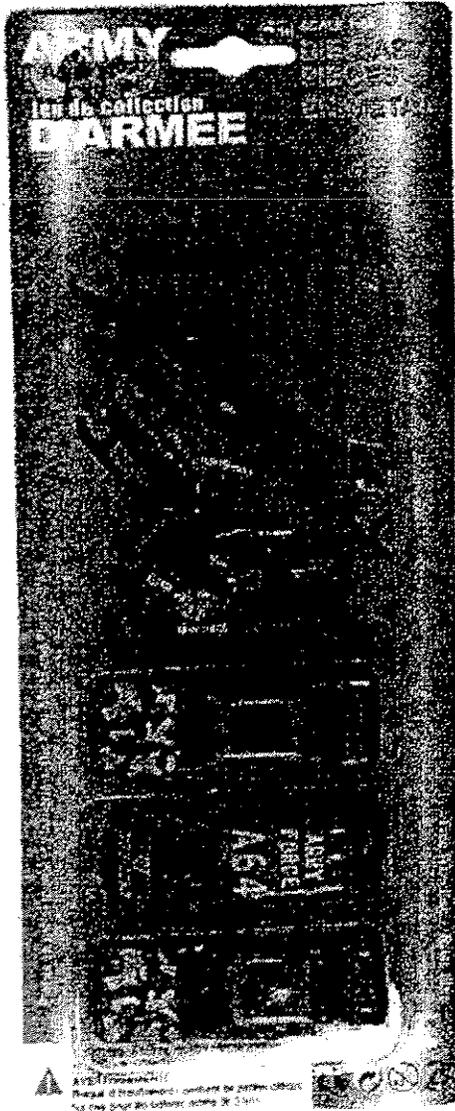
Attachment B

Product Description

Sprite Tractor Trailer

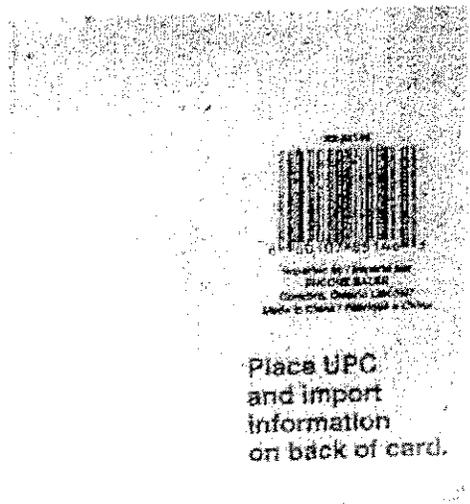
Army Force
UPC Code 60107 85146

Wrestle Mania
Model # 375

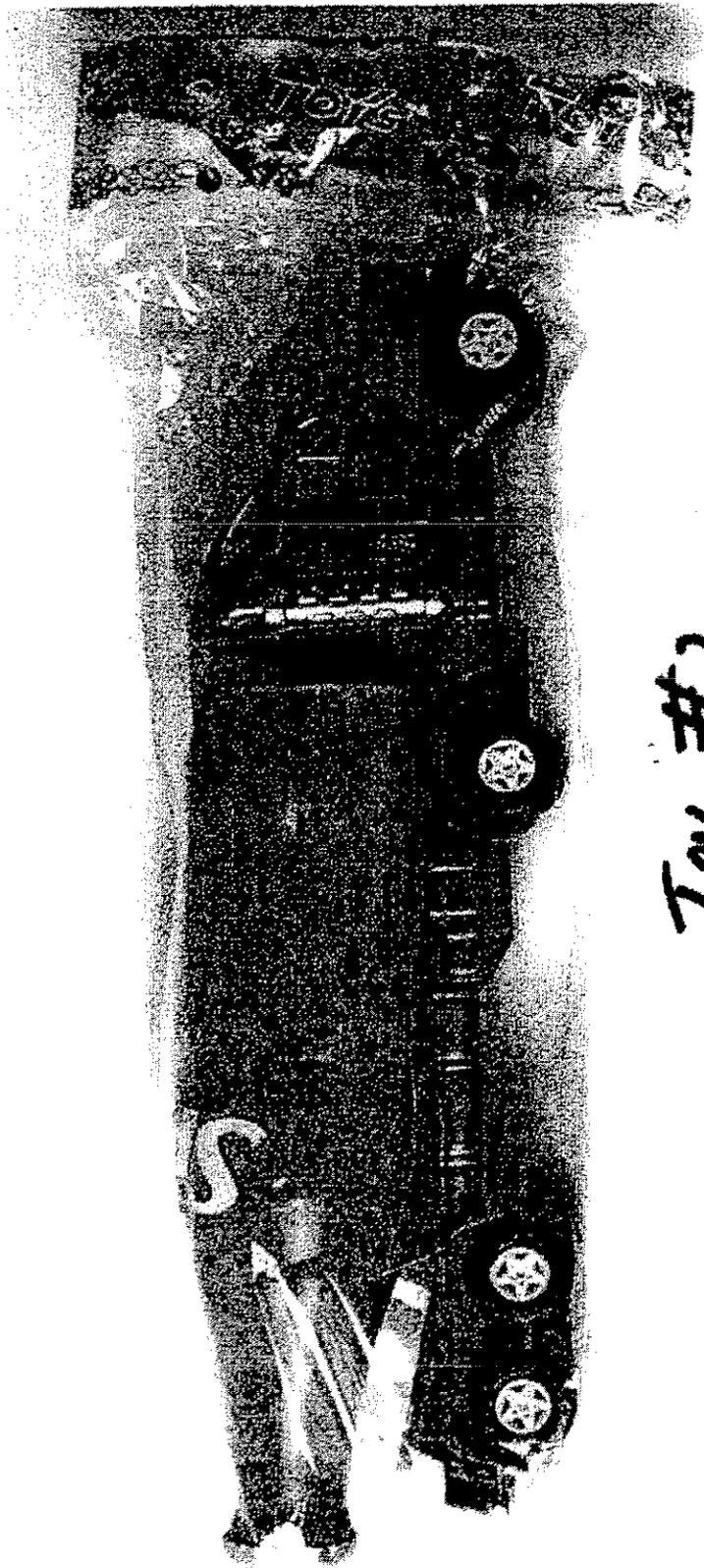


Toy # 1

10/26/07



October 29, 2007 - Toy #1, 2007-5800056, Army Force.



Toy #2

10/26/07

October 29, 2007 - Toy #2, 2007-5800057, Sprite Tractor Trailer.



November 13, 2007 - Toy #26, 2007-5800139, Wrestle Mania