

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 95-C0013]

**Howland Caribbean Corporation, a Corporation; Provisional Acceptance of a Settlement Agreement and Order****AGENCY:** Consumer Product Safety Commission.**ACTION:** Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)-(h). Published below is a provisionally-accepted Settlement Agreement with Howland Caribbean Corporation, a corporation.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by August 1, 1995.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 95-C0013, Office of the

Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** Earl A. Gershenow, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0626.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: July 10, 1995.

**Sadye E. Dunn,**  
Secretary.

[CPSC Docket No. 95-C0013]

**Settlement Agreement and Order**

In the Matter of Howland Caribbean Corporation a corporation.

1. Howland Caribbean Corporation (hereinafter, "Howland"), a corporation, enters into this Settlement Agreement and Order with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order described herein. The purpose of the Settlement Agreement and Order is to settle the staff's allegations that Howland knowingly caused the introduction into interstate commerce of certain banned hazardous toys and rattles, in violation of section 4(a) of the Federal Hazardous Substances Act, 15 U.S.C. 1263(a).

**I. The Parties**

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States established pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

3. Howland is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico, since 1972, with its principal corporate offices located at 1679 Ponce De Leon, Santurce, Puerto Rico 00909. The firm also has an office in Ridgefield, Connecticut. Howland imports and distributes housewares and toys in Puerto Rico, and sells those products in Puerto Rico. Approximately 45 percent of its sales are from toys.

**II. Allegations of the Staff****A. Toys**

4. On eight occasions between July 23, 1991, and October 10, 1993, Howland caused the introduction into interstate commerce of 10 kinds of toys consisting of approximately 6,600 units intended for use by children under 3 years of age. All the toys were purchased through same exporter, Swatow International, Ltd., but were manufactured by, and purchased from, different manufacturers. These toys are identified and described below:

Sample No.	Product	Entry date	Units
M-807-1704 .....	Happy Loco .....	07/23/91	480
P-807-2057 .....	Pull-Along-Funny Telephone .....	09/17/91	720
P-807-2068 .....	Old Timer Car Pull Toy .....	10/06/91	72
P-807-2081 .....	Choo Choo Phone .....	10/17/91	96
P-807-2082 .....	Push Telephone .....	10/17/91	480
R-800-2050 .....	Happy Hippo Trolley Car .....	08/17/92	72
R-800-2051 .....	Funny Plane .....	08/17/92	360
R-800-2718 .....	Musical Sand Buggy .....	07/10/93	360
R-800-2722 .....	Maracas .....	07/14/93	2880
R-800-2086; R-800-2087; R-800-2088 .....	Press-Go-Mobile Toys (Police Car, Fire Truck, and Pick-Up Truck).	10/10/93	1080

5. The toys identified in paragraph 4 above are subject to, but failed to comply with, the Commission's Small Parts Regulation, 16 CFR Part 1501, in that when tested under the "use and abuse" test methods specified in 16 CFR §§ 1500.51 and 1500.52, (a) one or more parts of each tested toy separated; and (b) one or more of the separated parts from each of the tested toys fit completely within the small parts test cylinder, as set forth in 16 CFR § 1501.4.

6. Because the separated parts fit completely within the test cylinder as described in paragraph 6 above, each of the toys identified in paragraph 5 above presents a "mechanical hazard" within the meaning of section 2(s) of the FHSA,

15 U.S.C. 1261(s) (choking, aspiration and/or ingestion of small parts).

7. Each of the toys identified in paragraph 4 above is a "hazardous substance" pursuant to section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D).

8. Each of the toys identified in paragraph 4 above is a "banned hazardous substance" pursuant to (a) section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A) (any toy or other article intended for use by children which bears or contains a hazardous substance); and (b) 16 CFR § 1500.18(a)(9).

9. Howland knowingly caused the introduction into interstate commerce of the aforesaid banned hazardous toys, in

violation of section 4(a) of the FHSA, 15 U.S.C. 1263(a), for which a civil penalty may be imposed pursuant to section 5(c) of the FHSA, 15 U.S.C. 1264(c).

**B. Baby Rattles**

10. On October 17, 1991, Howland caused the introduction into interstate commerce of 1,296 units of a plastic baby rattle ("Rattle"), purchased through Swatow International, Ltd. (Sample No. P-807-2083).

11. When tested under the methods and procedures prescribed in 16 CFR § 1500.51, the handle of the rattle entered and penetrated the full depth of the cavity of the test fixture specified in 16 CFR § 1510.4.