Toy Regulators: Zhu Zhu Pets Don't Violate Safety Law

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LOS ANGELES (AP) - Zhu Zhu Pets - one of the holiday season's hottest toy crazes - do not violate safety standards, federal toy regulators said Monday after a consumer group raised concerns over the presence of a heavy metal on one model.

The toy "is not out of compliance" with a U.S. toy safety law that went into effect this year, a spokesman for the U.S. Consumer Product Safety Commission told The Associated Press. The agency did not test the toy.

The California-based consumer group GoodGuide raised concerns starting Saturday over the presence of a potentially harmful heavy metal in a Mr. Squiggles model of the robotic hamsters. The group said its testing found antimony - a heavy metal that can cause vomiting if eaten, and heart and lung problems if breathed - on the furry toy's hair and nose in levels that exceeded new federal limits.

But those claims fell apart Monday, when GoodGuide said the way it got its test results - using a special gun that shoots X-rays into a toy and gives a reading for how much lead, antimony or other substances are in the material - is not recognized by the CPSC for judging whether a toy is hazardous.

Instead, the CPSC tests how much of a heavy metal would actually seep out if a child sucked or swallowed a toy - not just how much of a potentially dangerous substance a toy contains.

"While we accurately reported the chemical levels in the toys that we measured using our testing method, we should not have compared our results to federal standards," GoodGuide said in a written release. "We regret this error."

Later in the day, the CPSC told AP that it has concluded the toy, which retails for about $10, does not pose a threat based on independent testing presented by the toy's manufacturer, St. Louis-based Cepia LLC.

"CPSC confirmed today that the popular Zhu Zhu toy is not out of compliance with the antimony or other heavy metal limits of the new U.S. mandatory toy standard," agency spokesman Scott Wolfson said.

The toy's maker had vehemently defended Zhu Zhu Pets' safety from the start.

The bad publicity did not hurt sales of the toy, Cepia said. On Saturday and Sunday, the company logged its biggest weekend of the year to date, according to Bruce Katz, senior vice president for sales. He said hundreds of thousands of the toy were sold, but would not specify beyond that.

Katz would not say whether Cepia would sue GoodGuide. The consumer group not respond to requests for comment.

"Now that Mr. Squiggles has been exonerated," the company just wants to assure customers that its products are safe, he said.

Instead of testing the toy, the CPSC observed that the toy didn't have any painted surfaces and thus was not subject to the new heavy metal testing standards, according to Gib Mullan, the agency's director of compliance and field operations.

The review was notably swift for the agency, which can take weeks or even months to investigate toys cited as problematic by consumer groups and others in holiday-season studies.

Wolfson said it was important to get out word immediately that the toy did not violate federal standards. He said the agency will do its own tests.

The stricter testing standards went into effect this year following a string of recalls of Chinese-made toys that had dangerous levels of lead. Antimony, which is used in a range of products including certain batteries and sheet metal, is one of several heavy metals that are now regulated under U.S. toy law.

Though the CPSC has delayed a requirement that toy makers or importers prove with a lab test that their products pass the new standards, companies are still required to abide by the law.

Many, like Cepia, have been doing testing even though they don't have to show the government the results - it was that testing that led the CPSC to conclude that the toys are safe.

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