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Customers Get Refunded For Tainted Toys

By Rachel Feintzeig

Customers who purchased asbestos-laden toys based on the television show “CSI: Crime Scene Investigation” are now eligible for refunds, but the company that developed the products won’t be footing the bill.

That company, Planet Toys Inc., sought bankruptcy protection in March, committing right off the bat to liquidate its assets under Chapter 7. At the time, an attorney for Planet Toys told us that the economy was the main reason behind the filing, but Planet Toys also had a skeleton in its closet: namely a class-action lawsuit initiated in May 2008.

The lawsuit was brought by parents who thought their kids were just learning about science while blowing on the special fingerprint powder included in the CSI: Crime Scene Investigation Fingerprint Examination Kit and the CSI: Crime Scene Investigation Forensic Lab Kit. Tests eventually revealed that the toys weren’t just dishing up a dose of learning; they were also dishing up a dose of asbestos, a mineral known to cause health problems.

Planet Toys had been taking part in negotiations regarding a possible settlement to the lawsuit, but once its Chapter 7 protection kicked in, it abandoned its place at the bargaining table. The bankruptcy code’s automatic stay shields companies from lawsuits.

Instead, the retailers who distributed the toys are taking the fall, agreeing to provide cash refunds for the product. The toys sold for about \$30 apiece, attorney **Victoria Ni** said, but she couldn’t provide any estimate as to how many toys are out there.

Ni, who is with public interest law firm Public Justice, represented the Asbestos Disease Awareness Organization in the case. The ADAO commissioned the original study that identified asbestos in the toys.

“We were really concerned when we learned about it,” she said of the contamination in an interview Tuesday. “This a popular toy....People know about the CSI trade name, and they’re buying these toys thinking it’s an educational toy.”

Under the settlement, retailers including Toys ‘R Us, CBS Broadcasting Inc. and Kmart will pay for the costs of the claims administration and will hand over \$30,000 to the ADAO. Customers are eligible for refunds and can also send back the toys free of charge.

“It’s important that they get these toys out of their house,” Ni said. But only time will tell whether the products caused any lasting health problems.

“Asbestos-related diseases do not manifest themselves for decades,” she said. “So there’s no way of knowing.”