

# get the lead out

---

By MICHAEL AND  
KAREN IACOBBO

E D I T O R S

---

**S**tate and local governments are wielding their regulatory clubs at makers and sellers of lead jewelry while newspapers and television news programs, already primed from the lead paint controversy, have been eager to cover cases of children becoming ill and even dying after ingesting lead from trinkets and other jewelry products.

Meanwhile, the Fashion Jewelry Trade Association was formed to lobby and negotiate with officials in California, Illinois, Minneapolis, and New York who have or in the process of enacting regulations setting standards for lead content in jewelry products. At this writing, the association has steadily grown and has 40 members.

Mike Gale, a jewelry industry insider with decades of experience as a sales representative who serves as executive director of the association, alerts the industry not to take the issue lightly.

"We must join together to fight illogical legislation or we will suffer individually," warns Gale.

It is widely-believed that exposure to lead could cause brain and kidney damage, hearing loss and impaired growth, and even death as in the case of a Minneapolis boy.

Lead, used by manufacturers because of its low cost and ease of use, can be found in thousands of products, ranging from pvc accessories and elastic cords to ribbons and even Christmas decorations. Some holiday lights made of soft plastic even carry warning labels.

In independent lab testing lead levels in PVC cords on costume jewelry ranged from 1400 to 20,000 parts per million, and lead levels in a coating on one child's bracelet tested at over 165,000 ppm. Tests conducted by the U.S. Consumer Product Safety Commission revealed that metal components often tested at over 500,000 ppm, and as high as 950,000, or 95% lead.

The controversy over lead content in jewelry surfaced in the media in California in early 2004 when officials filed legal action against major retailers for violating Proposition 65, a law in effect for over two decades. The action followed publicity over a six year old girl who suffered lead poisoning after putting a charm that contained lead in her mouth.

Under a consent agreement signed in January 2006, retailers and many of their suppliers agreed to set standards for lead content: metal jewelry parts must contain no more than 600 parts per million of lead, and no more than 200 parts per million in plastic jewelry by 2008.

Adult jewelry was also included in the mix, and the new standards call for no more than 10 percent lead in jewelry until December 2008, and 6 percent after that date.

The retailers included Target, Kmart, Macy's, Nordstrom, Claire's, Mervyn, Sears, Toys R Us, Disney, Burlington Coat Factory, JC Penney and dozens of others, while Wall Mart did not enter into the agreement.

The new regulations will take effect on February 1, 2007.

The lead issue has since surfaced in several cities and states. Earlier this year, the state of Minnesota debated lead legislation in the wake of the tragic death of 4-year old Jarnell Brown of Minneapolis, who died after swallowing a charm bracelet that was packaged with a pair of Reebok shoes. It was the first death directly correlated with lead in jewelry in Minnesota.

The bracelet, like most of the lead products recently targeted by officials, was made in China. Other cases involved jewelry made in India.

One proposal put before the Minnesota General Assembly would have banned almost all jewelry containing lead, but the assembly adjourned without passing legislation. The New York Legislature also adjourned for the year without passing a bill dealing with the issue.

The state of Illinois this year passed legislation that could bar the sale of jewelry with more than 600 parts per million of lead, or more than .06 of the total weight. Because of Illinois' unique mechanism for setting rules and regulations once legislation passes, it's uncertain what the final

set of standards will be used, says Mike Gale.

"We're telling people to just stay aware," says Gale.

Following Brown's death and the ensuing publicity, Reebok asked the Consumer Product Safety Commission for a "fast track" recall of the bracelets.

CPSC spokesperson Patty Davis told the *Star Tribune*: "We are going to have more [recalls] because companies are paying attention and are more aware of our policies. Hopefully that means we are going to get this kid jewelry with high levels of lead off the market," Davis said.

Consumer product consultant Britt Beemer at America's Research Group says it's common for U.S. firms ordering products from China to request one type of metal but to get a different metal like lead because of the low price.

Beemer told the *Tribune* that he suspects that the items are never tested in China for lead content, and not tested in the U.S. because the importer doesn't think the items contain dangerous levels of lead.

Some retailers are taking action to avoid trouble. In May, Liz Claiborne Inc. recalled about 2,800 Juicy Couture children's jewelry which contains high levels of lead.

The bracelets and necklaces feature charms which include a yellow painted metal shirt with "Viva La Juicy" printed on the front, a cheerleader's megaphone with the word "Juicy," a green heart with "Juicy Couture," a black dog, the letter "J," and a purple flower.

Similarly, thousands of necklaces, bracelets, earrings and hair accessories that were sold at Chicago's American Girl Place for the past seven years have been recalled because of their high lead content. There were no injuries or incidents of poisoning.

The 180,000 pieces of recalled American Girl jewelry were also sold in the company's New York shop and outlet in Oshkosh, Wis., between 1999 and February of this year, Safety Commission spokeswoman Patty Davis said.

The \$8 to \$12 products were packaged in a red and white cardboard backing with "American Girl" and "Made in China" written on the front. The jewelry was made for girls 8 and older was not used for the company's popular dolls, and the recall does not include American Girl jewelry sold by catalog or Web site, Davis said.

Officials at the Middleton, Wis.-based company voluntarily recalled the jewelry after a routine audit indicated they had high lead content, company spokeswoman Julie Parks said.

Several months ago, the U.S. Consumer Product Safety Commission announced the recall of about 145,000 Disney Princess bracelet key rings after tests showed they exceeded the level of lead considered safe.

The bracelets, made in China and imported by Monogram International Inc. of Pinellas Park, Fla., and sold at retailers nationwide, including Walgreens and Wal-Mart, from November 2003 through June. They cost about \$3.

Does jewelry containing lead really pose a health hazard? Yes, but does it pose more of a hazard than Christmas decorations, pencils, or other products with lead? Probably not. Have most of us over 30 grown up around lead paint, drinking water from hoses, chewing on pencils, etc...and never got sick from lead?

You can't legislate common sense. Organizations like the Fashion Jewelry Trade Association, however, work to bring some to the negotiating table and that's good for jewelry.