

WISCONSIN STATE  
LEGISLATURE COMMITTEE  
HEARING RECORDS

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

Committee on  
Small Business,  
Emergency  
Preparedness,  
Workforce  
Development,  
Technical Colleges &  
Consumer Protection

(SC-SBEPWDTCCP)

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR  
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➤ Executive Sessions ... ES  
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➤ Public Hearings ... PH  
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➤ Record of Comm. Proceedings ... RCP  
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**INFORMATION COLLECTED BY  
COMMITTEE FOR AND AGAINST  
PROPOSAL ...**

➤ Appointments ... Appt  
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Name:

➤ Clearinghouse Rules ... CRule  
\*\*

➤ Hearing Records ... HR (bills and resolutions)  
\*\*

(companion bill: \_\_\_\_\_)

➤ Miscellaneous ... Misc  
\*\*

( )



State of Wisconsin  
Jim Doyle, Governor

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**Department of Agriculture, Trade and Consumer Protection**

Rod Nilsestuen, Secretary

April 11, 2007

The Honorable Robert Wirch, Chair  
Committee on Small Business, Emergency Preparedness,  
Workforce Development, Technical Colleges and Consumer Protection

**Re: SB 79 relating to the sale and distribution of elastic yo-yos.**

Dear Senator Wirch:

Thank you for permitting the Department of Agriculture, Trade & Consumer Protection the opportunity to support SB 79.

We believe this bill is a vital step in protecting children from a harmful and potentially deadly yo-yo toy. Often referred to as a "yo-yo waterball" these toys are dangerous as they are not intended to be played with like old fashioned yo-yos.

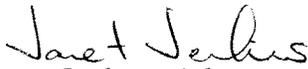
The "yo-yo waterball" toy is comprised of a rubbery plastic cord which extends to over 2 feet and makes the toy difficult to control because the water ball (or weighted ball-like object) at the end of the toy is sufficiently heavy to generate significant momentum when swung like a lasso, which many children do. In addition some of the toys have instructions which tell children to "throw the ball into the air and try and catch it", thus encouraging the lasso like behavior.

While playing with these toys numerous children, including some in Wisconsin, have become unconscious after the cord wrapped tightly around the child's neck cutting off circulation. In other cases children have suffered broken blood vessels affecting eyes, eyelids, cheeks, neck, scalp or the area behind the ears.

To date Illinois, as well as the European Union, has already banned this toy from sale due to its dangerous nature. We urge the committee to move this bill forward to minimize the risk that Wisconsin children would be strangled to death by the use of this toy.

We thank the Committee for the opportunity to provide written comments in support of SB 79.

Respectfully,

  
Janet Jenkins, Administrator  
Division of Trade & Consumer Protection

*Agriculture generates \$51.5 billion for Wisconsin*





# **JULIE LASSA**

## **STATE SENATOR**

### **Testimony on Senate Bill 79**

### **Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection**

**Wednesday, April 11<sup>th</sup>**

**400SE**

**10:00 am.**

Thank you for the opportunity to provide testimony today on Senate Bill 79.

Senate Bill 79 was drafted in response to an incident in my district when a 7-year old boy lost consciousness and fell head first to the ground after a yo-yo waterball wrapped around his neck and nearly strangled him. Unfortunately, this is not an isolated incident.

As of November 2nd, 2006, the Child Product Safety Commission has received 409 reported injuries related to this toy, 294 of those injuries were classified as suffocation/strangulation. There have been 7 incidents relating to the yo-yo waterball in Wisconsin.

There have been accounts of children suffering skull fractures from this toy, while others have required lens implant surgery because of severe eye trauma when the cord of the toy snapped back and hit them with such force that it shattered their eye lens. The yo-yo can cause injuries by wrapping tightly around the neck, by snapping back and hitting a child in the face causing serious injury to the eyes, by breaking and having the liquid inside of the yo-yo spill out and from the chemical/gas odor of the yo-yo waterball.

Illinois banned the sale of the yo-yo waterball in June, 2005. New Jersey and New York have also introduced legislation to ban the yo yo waterball, and legislation has also been introduced at the federal level. Countries such as France, the UK, Luxembourg, Australia, Brazil and Canada have also banned yo-yo waterballs while the Consumer Product Safety Commission has chosen not to ban the toy. In addition, some retailers have committed to remove or recommend removal of the toy from its shelves.

A toy capable of causing serious injury to an adult or that can be ruptured by the weak hands of a three year old, exposing the child to an irritating liquid, has no place on store shelves.

Thank you for your time and consideration of this issue. I would be happy to answer any questions that you may have.



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## Yo-yo ball risk spurs call for state ban

By Judith Davidoff  
The Capital Times  
November 30, 1999

If State Sen. Julie Lassa has her way, elastic yo-yos will go the way of lawn darts and clackers.

The Democrat from Stevens Point wants to ban the sale or distribution in Wisconsin of "yo-yo water balls" and similar toys consisting of a rubber ball attached to an elastic cord.

"They are a dangerous toy, and we should be watching out for our children," Lassa said in an interview Tuesday.

A public hearing on the bill is scheduled for April 11 before the Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.

Illinois banned the toy last year, and six countries, including the United Kingdom, Brazil and Canada, also prohibit its sale.

Illinois mom Lisa Lipin jump-started the movement in this country to ban the toy after her son Andrew, then five, nearly strangled himself with one of the balls in 2003.

In an interview Tuesday, Lipin said she contacted the Consumer Product Safety Commission after her son's accident, but the federal agency was not inclined to take action.

The commission, in fact, investigated the toy and concluded in September 2003 that it "poses a low risk of strangulation, especially for younger children" and that the risk of injury "does not meet congressionally mandated standards for product recall."

Between Dec. 1, 2002 and Oct. 31, 2006, the commission received 416 reported incidents about yo-yo balls. In nearly 300 of the cases, the cord wrapped around the head or neck. In nearly 60 cases, the ball burst or leaked.

Lipin has testified before congressional committees on the dangers posed by the toy and was a major force behind Illinois' ban of the toy.



"Hopefully Wisconsin will be the second state to do something," she said.

Upon Lipin's suggestion, Wisconsin mom Autumn Deedon contacted her state legislators, Amy Sue Vruwink, D-Milladore, and Lassa, after Deedon's then seven-year-old son Trever was injured while playing outside their Pittsville home with an elastic yo-yo.

Deedon, who was in her kitchen at the time, said Trever must have been swinging the yo-yo above his head when the cord wrapped around his neck. He passed out and hit the cement, Deedon said in an interview this morning.

When Trever regained consciousness, he called out weakly to Deedon.

"All of a sudden I heard him trying to call out my name. He couldn't really talk. He had the yo-yo water ball wrapped around his neck and his face was bloody."

Deedon said Trever was treated in the emergency room for multiple facial abrasions and she wonders whether the accident is responsible for his continuing lapses of memory.

Joan Lawrence, vice-president of standards and regulatory affairs for the Toy Industry Association, said this morning that yo-yo water balls "have been involved in some scary situations for kids and parents."

But she noted that ASTM, the international standards-development organization, approved a new standard on March 15 that specifically addresses the factors that led to the incidents where the elastic cords have wrapped around children's necks.

The standards regulate the mass of the ball and the length of the cord, "the combination that led up to those scary situations," Lawrence said.

Any manufacturer that wants to sell to major retailers must comply with these standards, she added.

Lawrence said her group did not actively oppose Illinois' efforts to ban the toy, but recommended that Wisconsin pause before enacting a ban.

"They could wait to see if there is substantial compliance in Wisconsin to the new standard," she said.

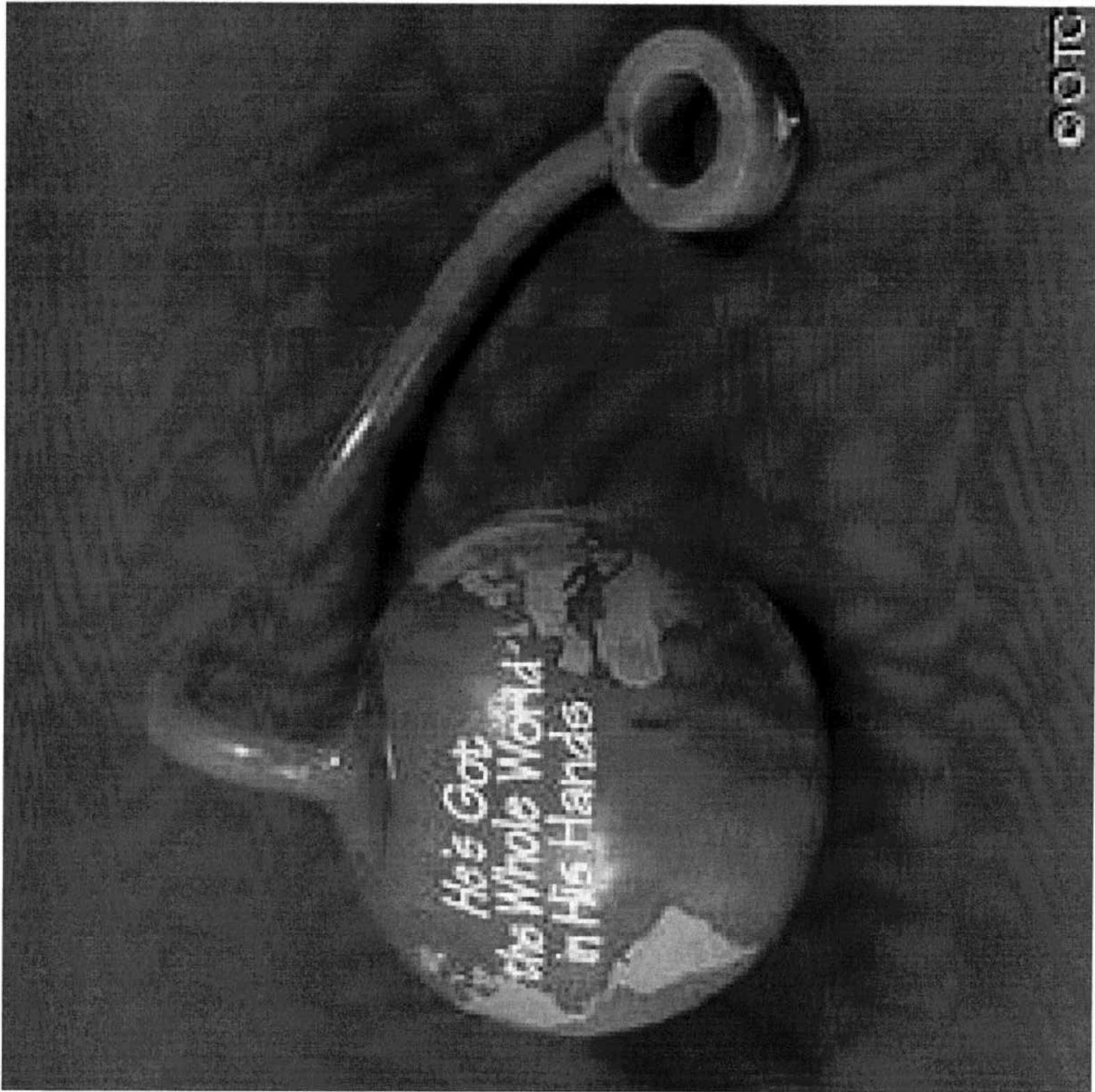
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