



National Headquarters 1825 K Street NW Suite 200 Washington, DC 20006 (202) 797-8600
West Coast Office 555 12th Street Suite 1620 Oakland, CA 94607 (510) 622-8150

NEWS RELEASE

April 12, 2008

FOR IMMEDIATE RELEASE

Contact: Deborah Mathis, Public Justice Communications Director, (202) 679-2652
Doug Larkin, ADAO Communications Director, (202) 391-1546

PUBLIC JUSTICE FILES TWO LAWSUITS OVER CSI TOYS CONTAINING ASBESTOS

LOS ANGELES – Alarmed that CBS Broadcasting, Inc. and Planet Toys, Inc. have refused to take appropriate action, Public Justice filed state and federal lawsuits on Friday in Los Angeles to force the companies to protect children and their families from further exposure to asbestos contained in toy science kits made by Planet Toys and licensed by CBS. The toy kits are based on the popular “CSI” television drama series, and tests of the kits’ fingerprinting powder found tremolite, one of the most deadly forms of asbestos.

Public Justice’s federal complaint, filed in U.S. District Court in Los Angeles, alleges that CBS and Planet Toys were negligent in their quality control measures and that they made consumers believe the toys were appropriate playthings for children when, in fact, the toys contained a hazardous and potentially lethal carcinogen. Because the toys were sold nationwide, the lawsuit is brought on behalf of a nationwide class of consumers who purchased or acquired the toys.

“This should be a no-brainer, said Victoria Ni, the lead Public Justice attorney in both cases. “The facts are that even small quantities of asbestos are hazardous when inhaled, that the fingerprinting powder has been found to contain asbestos, and that this powder has been marketed and sold to thousands of children who are told to spread it around and blow off the excess. It’s a shame that we’ve had to resort to litigation to force these companies to do what they should have done in the first place to protect the American public.”

Among other things, the class action asks that the defendants provide refunds to consumers, pay for asbestos testing of toys that have been opened, and pay for appropriate medical treatment for consumers who have been exposed to asbestos.

A second suit was filed in California state court, citing violations of a state law known as “Proposition 65,” which requires businesses to give a “clear and reasonable warning” to California consumers if a product contains a chemical known to cause cancer or birth defects, such as asbestos.

The Proposition 65 complaint was filed, in part, on behalf of the California-based Asbestos Disease Awareness Organization (ADAO), which first publicly reported the presence of asbestos in the CSI: Crime Scene Investigation™ Fingerprint Examination Kit last November. The discovery was the result of independent laboratory tests on an array of consumer goods and toys, including the popular fingerprinting kit. ADAO commissioned the study.

=more=

Further investigation found that the fingerprinting powder containing asbestos was also in other “CSI” toy kits – the CSI: Crime Scene Investigation™ Field Kit and the CSI: Crime Scene Investigation™ Forensic Lab Kit.

“Since December 2007 when we first met with PlanetToys and CBS, our pleas for the companies to do the right thing have fallen on deaf ears,” said Linda Reinstein, ADAO Executive Director. “It is unacceptable and unnecessary to have asbestos in toys, and especially in powder form, its most dangerous state. Most Americans falsely believe asbestos has been banned, but our recent product testing results prove asbestos remains a threat to public health.” Reinstein’s husband died from mesothelioma, a form of cancer that is almost always caused by asbestos exposure.

Both lawsuits name CBS, Planet Toys, and major retailers of the toy, some of whom continue to sell the kits. The Proposition 65 lawsuit seeks civil penalties for violations of the law, in addition to injunctive relief.

The dangers of asbestos exposure have been well documented by scientists, doctors, and environmentalists since the 1970s. There is no known safe level of exposure. If inhaled, microscopic asbestos particles can penetrate lung tissue and stay there permanently, causing serious, even deadly, respiratory illnesses or cancer than might not manifest until decades after initial exposure.

Gregory Sheffer of Brayton Purcell LLP in Novato, Calif., and Raphael Metzger of the Metzger Law Group in Long Beach, Calif., are assisting Public Justice as co-lead counsel in the Proposition 65 lawsuit. John J. Stoia, Jr. of Coughlin Stoia Geller Rudman & Robbins LLP in San Diego, Calif., and Edith M. Kallas of Whatley, Drake & Kallas, LLC in New York, NY are leading Public Justice’s litigation team in the federal lawsuit. Counsel in the class action lawsuit also include Alan R. Brayton and Peter Fredman of Brayton Purcell LLP; Rachel Jensen, Phong Tran, and Thomas O’Reardon II of Coughlin Stoia; and Joe R. Whatley, Jr., Joseph P. Guglielmo, and Elizabeth Rosenberg of Whatley, Drake.

Like Ni, Arthur Bryant, Executive Director of Public Justice, and Gregory Sheffer of Brayton Purcell are co-counsel in both cases.

###

Public Justice is America’s public interest law firm. Dedicated to using trial lawyers’ and other attorneys’ skills and resources to advance the public good, Public Justice is supported by – and can call on -- a nationwide network of more than 3,000 of the nation’s top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of The Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.

Asbestos Disease Awareness Organization (ADAO) was founded by asbestos victims and their families. ADAO seeks to give asbestos victims and concerned citizens a united voice to help ensure that their rights are fairly represented and protected, while raising public awareness about the dangers of asbestos exposure and often deadly asbestos related diseases. ADAO is an independent organization funded through voluntary contributions and staffed by volunteers. For more information visit www.asbestosdiseaseawareness.org.