



8323 Walton Parkway  
New Albany, Ohio 43054

September 6, 2007

The Honorable Bobby Rush  
Chairman  
Subcommittee on Commerce,  
Trade, and Consumer Protection  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Cliff Stearns  
Ranking Member  
Subcommittee on Commerce,  
Trade, and Consumer Protection  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Rush and Ranking Member Stearns:

Thank you for your letter of August 22, 2007 to Tween Brands, Inc. ("Tween Brands"). Before we respond to the specific questions posed by the Committee, I believe it is important to point out that for the last several years, Tween Brands has had a stricter policy for lead content than required under U.S. law. Our interest in selling safe products resulted in our adoption of a policy in May 2005 requiring that the lead content in all of our jewelry products must not be greater than 0.06% regardless of accessible lead limit. We expanded that standard to all lead-containing products in July 2007. In addition, during recent months, we augmented our internal control process to include validation testing at independent laboratories to ensure that incoming jewelry and hair accessories are compliant before being released to our stores.

As a threshold matter, our products are targeted to "twens," or girls ages 7 to 14. While federal and state lead policies generally are considered to affect only the six-and-under age group, our corporate policy is to meet and exceed any lead standard applicable to these young children, regardless of the differences in behavior between them and our target 7 to 14-year-old consumers.

**Answers to questions in your August 22, 2007 letter**

The answers to the eight questions you asked in your letter are listed below. Several related attachments are also included with this reply.

**Question #1: In addition to the approximately 103,000 pieces of jewelry recalled by the CPSC in May, please provide detailed information on any other children's products imported by your company with lead paint or lead content that exceeds lawful safety standards.**

After learning that the recalled jewelry failed both the CPSC's standards and the company's more stringent lead policy, Tween Brands voluntarily decided to engage in broad testing of its jewelry products. Indeed, jewelry items in Tween Brands' distribution center were tested prior to their release to Tween Brands' stores in order to confirm supplier representations that these products complied with all federal and corporate requirements regarding lead. To this end, Tween Brands engaged several highly reputable laboratories to confirm suppliers' representations of compliance. Despite certifications to the contrary, the independent analyses revealed that certain jewelry items exceeded the applicable standards.

Since the inception of this validation testing, Tween Brands has prevented twelve (12) noncompliant products from being sold to consumers. The assorted styles of metal jewelry, including earrings, necklaces, and charms, contained surface coatings that exceeded the 0.06% standard. Tween Brands has and will continue to inform the CPSC of these noncompliant products and, in conjunction with the Commission, will arrange for their disposal in accordance with applicable federal, state, and local requirements. Please note that these jewelry items have not been sold or offered for sale, and will not ever be sold or offered for sale, at any of Tween Brands' retail chains or any other retail store.

In addition, Tween Brands recently learned that a decorative accessory attached to the outer packaging of some products may contain elevated amounts of lead. The Company, which is conducting a detailed investigation of the packaging accessories, notified the CPSC of this development. Tween Brands intends to work closely with the CPSC should this investigation reveal that corrective action is necessary.

**Question #2: Please provide information detailing the level of lead in the recalled jewelry and any other products, if available.**

All of the Tween Brands items that were recalled were metal jewelry items. Various individual components of the recalled jewelry exceeded our corporate lead standards, in addition to the less stringent federal standard. Our jewelry items are typically made up of several components such as clasps, decorations (such as individual charms) and coatings. The recalled items contained either clasps or coatings on individual components that exceeded our lead standards.

Of the 13 coatings that exceeded the lead standard, 10 contained less than 1% lead content with three coatings containing 1.1%, 2.6% and 3.6% lead respectively. Of the 8 clasps that exceeded the lead standard, all but one exceeded 35% lead content.

**Question #3. Please provide the name and location of the company and facility in China that manufactured the recalled children's metal jewelry.**

The following is a list of names and addresses of the companies and facilities in China that manufactured the recalled metal jewelry:

- A. Kwong Tat Ornamental Bead Factory  
Ridge North Village,  
Sha Wan, Pan Yu, Guangzhou, China
- B. Yeon Ho Trading  
Cheng Angqu, Chengy Anjiedao, Zhong Cun,  
Nanshangongyeyuan, Qingdao, China 266109
- C. Kyung Kwang Corp.  
Zhong Cun, Cheng Yangzhen, Cheng Yangqu,  
Quindao, China 266109
- D. J & P Company Ltd.  
Qiantiaolin Cun, Qiantiaolin Town, Qingdao City,  
Shandong Province, China 266109
- E. Ming Jing Company  
1 Unit, 3rd Bldg.  
Fuxin Road, Yiwu, Zhejiang, China
- F. Qing Dao Drianna Handicraft Article Co., Ltd.  
Qingdao, China
- G. Wei Yi (Dong Guan) Metal & Ornaments Factory  
Xianshan Industrial Zone, Tuqiao Management Area,  
Qingxi Town, Dongguan, Guangdong, China

**Question #4. Are there provisions in your agreements with the Chinese or other manufacturers banning the use of lead and lead paint or limiting its use to lawful safety standards in the manufacture of the products your company imports?**

Tween Brands is fully committed to consumer safety and has implemented a strict lead policy for all of its products. The Company requires each supplier to sign a contractual agreement that binds the supplier to provide Tween Brands with compliant products. These contractual agreements specifically require each supplier to provide only products that comply

with various federal, state, and local laws and regulations, as well as our stringent guidelines and standards. With respect to the use of lead and lead paint, the Company's Master Sourcing Agreement ("MSA") specifies that each supplier must comply with CPSC's laws and regulations, including the Consumer Product Safety Act ("CPSA"), the Ban on Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint (16 C.F.R. Part 1303), and other safety standards and guidelines promulgated under the CPSA, including safety standards related to lead content in products and product components. The MSA also requires each supplier to comply with the state laws, regulations, standards, and guidelines promulgated under California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) for products sold in California.

In addition to the federal and state requirements, Tween Brands mandates that each supplier comply with the Company's recently adopted "Lead Content Policy" for lead-containing products ranging from jewelry and hair accessories to toys, lunchboxes, inflatables and most other products. The Lead Content Policy is more stringent than the federal requirements, specifically prohibiting any individual component of a lead-containing product from having total lead in excess of 600 ppm either in any surface coating or in the substrate material.<sup>1</sup> If a product has multiple components, each different component must be tested separately.

**Question #5. What steps does your company take to test and inspect imported jewelry or other children's products before they are sent to retail outlets in the United States to ensure compliance with lead content safety standards?**

Tween Brands requires each supplier to comply with the provisions set forth in their contractual agreements and the recently adopted Lead Content Policy.<sup>2</sup> Pursuant to these documents, prior to shipment of select children's products with surface coatings, a supplier will be required to submit to Tween Brands a report from an independent laboratory demonstrating that the products pass the surface coating requirements. Reporting obligations for suppliers of jewelry and hair accessories further mandate that they submit tests to substantiate that total lead levels are less than the 0.06% standard, in addition to the surface coating requirement, if applicable. Currently, while not required under federal law, when products arrive at the distribution center, Tween Brands takes samples of select styles for further validation testing by an independent laboratory. The remaining units are locked in the distribution center and released to the retail stores only if the internal tests confirm that these products comply with both CPSC's and Tween Brands' Lead Content Policy. Our current audit program requires 100% of all jewelry and applicable hair accessories to undergo this validation testing. Tween Brands is

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<sup>1</sup> Federal standards apply only to metal components and coatings. The limit for lead in coatings under the federal lead paint rule is 0.06% (600 ppm). Under CPSC's *Interim Enforcement Policy for Children's Metal Jewelry Containing Lead*, a metallic jewelry component may contain an excess of 600 ppm lead if it meets the accessible lead limit of 175 micrograms. There are no federal limits for components made of other materials, such as plastic. Under Tween Brands' lead policy, however, no jewelry component should contain more than 600 ppm lead, regardless of the material that it is made from. In addition, no metallic component should contain more than 600 ppm lead, regardless of whether or not it would meet CPSC's limit of 175 micrograms for accessible lead.

<sup>2</sup> For products sold under other companies' brand names, including toys, small electronics, and cosmetics, we enter into contractual agreements to assure thorough compliance with all applicable safety standards.

investing hundreds of thousands of dollars to engage the most respected independent laboratories in an effort to ensure the safety of our customers.

**Question #6. How and when did your company discover the lead in the imported jewelry that led to the recall announcement by the CPSC on May 31, 2007? When did you first contact the CPSC about the children's metal jewelry?**

Early this year, Tween Brands decided on its own initiative to engage independent laboratories to conduct random post-importation validation testing and confirm representations from our suppliers that the imported jewelry complied with federal standards and our more stringent Lead Content Policy. Despite supplier certifications, these laboratory analyses revealed that certain jewelry items failed to meet both the Company's standards and the lead standards set forth under 16 C.F.R. Part 1303 and/or the CPSC's *Interim Enforcement Policy for Children's Metal Jewelry Containing Lead*. At the end of March 2007, the Company notified the CPSC of these noncompliant products. Tween Brands discussed with the CPSC that it wanted to conduct validation testing on other products located in its retail stores and distribution center to determine compliance. The Company and the CPSC worked together to ensure that all non-compliant products would be covered by the recall, which ultimately required the testing of a substantial number of products in accordance with the correct scientific standards over a period of several weeks. After this testing was complete, the CPSC and Tween Brands issued a joint recall for the affected jewelry on May 31, 2007.

**Question #7. Please provide details of the recall action undertaken by your company, including steps to inform retailers and consumers of the recall because of the lead hazard posed by the children's metal jewelry. Did you provide information in a language other than English? Did you take any specific steps to provide information to your retail partners located in underserved communities?**

Tween Brands instructed its Limited Too and Justice retail stores to issue several "Stop Sale" notices prior to the recall. Immediately before the recall, Tween Brands notified each Limited Too and Justice retail store of the recall and the procedures that each store must follow. To inform consumers of the recall, Tween Brands issued a joint Press Release in English with the CPSC, which we posted to our consumer web sites. In addition, the Company required each Limited Too and Justice retail store to place a "Safety Recall" poster at all cash register areas. The CPSC approved the content and format of the Safety Recall posters. Each Safety Recall poster displayed photographs of the recalled jewelry. The following statement appeared in bold print beneath these photographs: **"THIS JEWELRY CONTAINS A HIGH LEVEL OF LEAD"**. The Safety Posters further explained that **"LEAD CAN CAUSE ADVERSE HEALTH EFFECTS AND IS TOXIC IF INGESTED BY YOUNG CHILDREN"**. The Safety Recall posters instructed consumers to "immediately take" the jewelry away and call the toll-free recall line or return to any Justice or Limited Too store for a full refund. Copies of the Safety Recall posters are enclosed.

**Question #8. Please provide details on the consumer response to the recall since the recall announcement, including how many pieces of jewelry have been returned for a refund and a coupon, and the number and nature of consumer inquiries that your company has received.**

As of August 31, 2007, Tween Brands recovered nearly 20,000 units of jewelry from its distributors and consumers.<sup>3</sup> The Company's toll-free number received 249 inquiries from consumers regarding the recall. Tween Brands continues to recover those recalled jewelry items that remain in the possession of consumers. In addition, the Company continues to respond to recall questions received through its toll-free number and maintains information about the recall on its consumer web sites.

**Summary**

I hope that this information proves useful to the Subcommittee as it considers possible legislative responses to elevated levels of lead in imported children's products. Tween Brands, its associates, and I all take the issue of product safety and exposure to lead very seriously. I can assure you and the other Members of the Subcommittee of our continuing desire to sell safe, high quality products to our customers. If you should need any other information, please contact me at your convenience.

Sincerely,



Ronald Robinson  
Senior Vice President, Production Services

Enclosures

cc: Kenneth T. Stevens  
President, Chief Operating Officer & Secretary  
Gregory J. Henchel, Esq.  
Vice President, General Counsel

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<sup>3</sup> Tween Brands recovered 18,651 units from its distributors and 1,301 units from consumers.

# SAFETY RECALL



**This jewelry contains a high level of lead.**

- Lead can cause adverse health effects and is toxic if ingested by young children.

Consumers should immediately take this jewelry away  
from children and call Justice's toll free recall line

**1 - 8 0 0 - 9 3 4 - 4 4 9 7**

or return to any Justice store for a full refund.



In voluntary cooperation with U.S. Consumer Product Safety Commission

Post for 60 days

# SAFETY RECALL



**This jewelry contains a high level of lead.**

Lead can cause adverse health effects and is toxic if ingested by young children.

Consumers should immediately take this jewelry away from children and call Limited Too's toll free recall line

**1-800-934-4497**

or return to any Limited Too store for a full refund.

**LIMITED TOO**

Post for 60 days

In voluntary cooperation with U.S. Consumer Product Safety Commission