

Debate

Was the Buckyballs Product too Dangerous to Remain on the Market?

ISSUE: Did Buckyballs represent enough of a threat to child safety that they should be banned?

Buckyballs and Buckycubes are sets of small magnetic balls that come together to form different shapes. These sets are marketed to adults as a stress reliever intended for use on office or home desks. The company posted many warning labels on the packaging of its products indicating that the sets are not for children and can cause harm if magnets are ingested. In July of 2012, the Consumer Product Safety Commission (CSPC) filed a complaint against Buckyballs manufacturer Maxfield and Oberton claiming that despite the warning labels, children have been swallowing Buckyball magnets and suffering severe injuries. The complaint called for the discontinuation of the products. It resulted in a ban against Buckyballs and the failure of Maxfield and Oberton as a company.

Some supporters of Buckyballs relied on statistical evidence to argue for their continued presence on the market. According to the CSPC at the time of the complaint, there were 22 incidents involving children who suffered injuries from ingesting magnetic pieces from Buckyball sets. With approximately 2.2 million Buckyball sets in circulation at the time and 10 to 216 magnets in each set, there were approximately 475.2 million individual magnetic pieces in customers' possession. According to these numbers, the probability of child-related injury from dog bites, playing sports, participating in cheerleading or skateboarding, and being poisoned by household cleaning items are higher than Buckyball injuries.

In addition to five warning labels on its packages, Maxfield and Oberton made an educational video on its website indicating the dangers of swallowing the magnets. The company claims that safety has been a prime concern, causing the company to constantly review its warning labels and safety practices. The CSPC was involved in these processes and had even offered suggestions as to how to make the emphasis on safety stronger. When the Buckyball sets were first introduced, the legal definition of a child was 12 and under. In 2009 the law changed to 13 and younger, and the company adjusted its warnings accordingly. To avoid any confusion on the part of the consumer, it also posted a warning label specifying that children should not be allowed to have contact with the product.

Later the company made its warnings more specific by listing some of the injuries that could occur from ingesting Buckyball magnets. During the holiday season, it put out a notice to its retailers reminding them not to sell the magnetic sets to children or to adults intending to buy them for children. The chairman of the CSPC at the time commended the company's efforts. The company also launched a website with information on magnet safety and, at the suggestion of the CSPC, worked with physicians, formed a coalition for magnet safety, and worked with other institutions to develop voluntary standards for labeling and marketing standards for products such as Buckyballs. The company insisted that it had not only responded to the injuries that occurred by emphasizing its warning labels but had also taken preventative measures. CEO Craig Zucker stated that the products were never intended for child use and were never marketed to children.

The CSPC, on the other hand, claimed that Buckyballs were marketed to children. When they originally debuted on the market, Buckyballs were compared to other popular children's toys such as silly putty. Buckyballs were rebranded as a desk toy for adults without changing the look or design of the product. Critics argued that the design was attractive to children and that their look, feel, and the way the magnets interact with each other made children want to play with them. Older children have used the Buckyball magnets to pretend that they have lip and cheek piercings. The CSPC also claimed that because the warning labels are only placed on the packaging of the product, which is usually discarded, not everyone who uses the sets were adequately warned. The CSPC alleged that the labeling did not communicate the severity of potential injury, nor did it seem to be effective to prevent injury. Another objection was that the product was not child-proofed in any way. The CSPC also claimed that the intended use of the product was being ignored and was therefore becoming a hazard to children who came into contact with it.

The injuries were severe. Death and long-term injury are possibilities. One child died after ingesting magnets from a necklace her brothers had made at school, although the brand of magnet was not ascertained. When a person ingests more than one magnet, the magnets will attract each other inside the stomach and intestinal walls, causing perforations in the stomach and intestines. This can lead to internal bleeding and leakage of toxic fluids into the body. When two or more magnets are ingested and tearing does occur, not only is surgery necessary, but these injuries can and have caused life-long gastrointestinal issues. Additionally, because the magnets are so small, parents do not often realize what has happened, and the initial symptoms are similar to a typical stomach flu. Doctors agreed with the CSPC because they saw these injuries as causing unnecessary damage to children who will have to deal with the effects for the rest of their lives. A severe case included a 3-year old girl who ingested 37 magnets and experienced significant internal injury.

The Buckyballs ban led to the disbandment of the company. Although Buckyballs were no longer being sold, many people still owned them. In 2013 the CSPC filed a lawsuit against former company CEO and Buckyballs creator Craig Zucker. The agency wanted to hold him responsible for the recall. Zucker fought back. The fight lasted for two years but eventually was settled, with Zucker agreeing to pay \$375,000 in consumer refunds. Some believe the CSPC unfairly targeted Buckyballs and that the company did everything it could to properly warn consumers about the dangers.

There are two sides to every issue:

1. The Buckyballs product properly warned consumers about potential dangers and should not have been removed from the market.
 2. It was right for the Buckyballs product to be removed from the market because of its dangers to children.
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