



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Advertising Practices

June 9, 2006

Mr. Brian Dubinsky, President
SBA Toys USA, Inc.
d/b/a Toy Quest, Inc.
2228 Barry Avenue
Los Angeles, CA 90064

Re: *Toy Quest, Inc.*, FTC File No. 062 3018

Dear Mr. Dubinsky:

As you know, the staff of the Federal Trade Commission has conducted an investigation into whether Toy Quest, Inc. has violated Section 5(a) of the Federal Trade Commission (FTC) Act, 15 U.S.C. § 45(a), in connection with its dissemination of certain print advertisements for the Banzai Falls Water Slide.¹

Under the FTC Act, an advertiser is responsible for express and implied claims in its ads. More specifically, product demonstrations should not create a false or misleading impression concerning a material attribute of products, such as the size of a product or how a product will perform under normal consumer use. However, our review of the depiction of the Banzai Falls Water Slide in the attached print advertisements suggests that consumers would be likely to take away the net impression that the slide is larger than it actually is² and that the slide's waterfalls have more water pressure than they actually do.

Upon review of the matter, we have decided not to recommend enforcement action at this time. Among the factors we considered are that Toy Quest's dissemination of the advertisements was relatively limited, it has ceased distributing them, and it has no plans to reintroduce them in the future. This action is not to be construed as a determination that a violation may not have

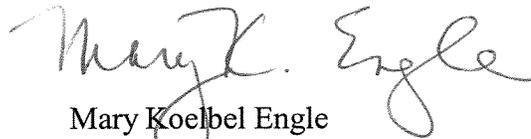
¹ The Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus, Inc., a self-regulatory group for the children's advertising industry, referred this matter to the FTC staff.

² The same children in the two print ads are shown in the same stances and positions with respect to the slides, even though the two slides are different sizes. A close examination of the ads thus reveals that the same pictures of children appear to have been superimposed over the pictures of the two different slides.

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occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle". The signature is written in dark ink and is positioned above the printed name.

Mary Koelbel Engle
Associate Director
Division of Advertising Practices

Enclosures



Figure 1: Water Slide 1



Figure 2: Water Slide 2