

Kenner Products Co

November 30, 1962

Mr. Ronald Howes
Director of Research
Kenner Products Company
912 Sycamore Street
Cincinnati 2, Ohio

Dear Mr. Howes:

Our efforts to be of assistance to you in the matter of the dyes referred to in our conversation and in your letter of November 19, have been halting and unsatisfactory because of the lack of information on which to give advice. It is unfortunately true, that there is very little toxicological information on the bulk of the chemicals that have not hitherto been available to non-technical people in the general population. Dyes such as you have wished to use have not been investigated because there has been no special urge in that direction. For example, the scientific personnel of the Federal Food and Drugs Administration are concerned only with dyes used in food materials (and to a much lesser extent in medicaments). Likewise, the chemist has used these dyes for years without concerning himself in any way with their toxicity.

We proceeded to look at these dyes from the aspect of their potential capacity for inducing cancer - a problem which must always be raised in our time whenever such chemicals may be swallowed - as these will certainly be. There is, unfortunately, no information on this subject. The compounds are not of such chemical structure as to be under deep suspicion, however, and I should not be much concerned as to this potential hazard in association with a single instance or even a few instances of the swallowing of your product by a child - which as I indicate above, will certainly occur.

I had suggested further that the literature be combed for information as to the immediate toxicity of these dyes. One would assume, with reasonable certainty, that they are toxic. However, we cannot establish that their toxicity has been determined. (I might properly explain that it takes longer to be sure that no such information exists than it does to assess the worth and meaning of available information. One tries here and there and returns to explore again, so long as nothing is found.)

I have very serious reservation as to the wisdom of your use of these

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materials without having adequate information with which to defend yourself against the charge of negligence or irresponsibility. It is a serious matter, both morally and legally, to introduce a danger into the home and the environment of children. This has not been taken seriously in the past, but times have changed, responsibilities have been magnified, and the cost of mistakes, in terms of legal liability alone, has sky-rocketed. I believe, therefore, that you will need to look very carefully at the significance and interpretation of the results of toxicological experiments. Accordingly, since you consulted us originally, I think I must say that I cannot wash my hands of some responsibility which you have imposed upon me in consulting me. On this account, I suggest that you let us see any report which you obtain in relation to toxicological tests which may be made, so as to let us consider their adequacy and relevance. In this suggestion, I am not breathing down the necks of the people in Hilltop Laboratory, but I am questioning your ability to determine whether you will have received an adequate answer to the question which confronts you. This, of course, is up to you, and I make the suggestion only to be sure that, having been consulted, we are not withdrawing from the scene until you have released us.

Sincerely yours,

Robert A. Kehoe, M. D.

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