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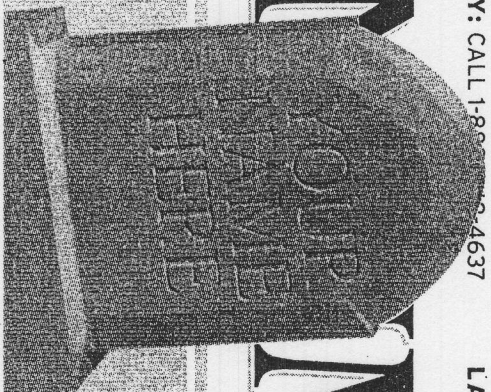
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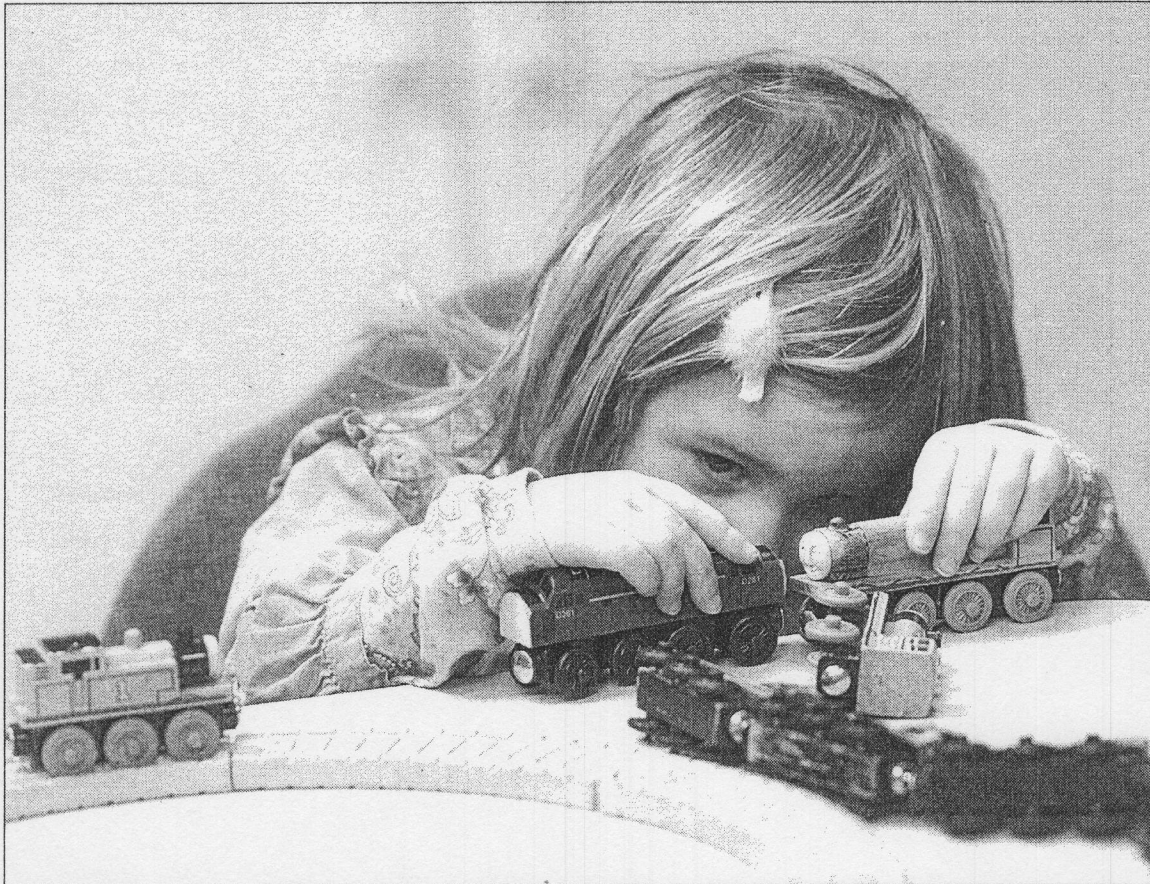
Questions try to give you a better sense of "what the future may hold." PAGE 4



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FEBRUARY 15, 2006
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Weather forecast: Pages 2, 50

"These things are a fortune. The reason you pay that much for a train is, you think they are going to last a lifetime."

LUCY BRADY, who has bought \$5,000 worth of "Thomas and Friends" toys for her 4-year-old son



Elizabeth Powers, 3, plays with toy trains Tuesday. Elizabeth's mom, Tanya, is suing the maker of Thomas the Tank Engine trains, saying the company changed its lifetime guarantee to a 90-day warranty. —RICH HEIN/SUN-TIMES

Moms file lawsuit against maker of Thomas trains

Claim company won't fix toys despite lifetime guarantee

BY ERIC HERMAN
Staff Reporter

Children adore Thomas the Tank Engine. But two Chicago-area moms claim he's a rip-off.

In a lawsuit filed against the maker of the "Thomas and Friends" train toys, the mothers claim the company reneged on a lifetime warranty. The toys replicate characters from the popular "Thomas the Tank Engine & Friends" television show, and are made by Oak Brook-based RC2 Corporation.

Lifetime warranty cut to 90 days

"These things are a fortune," said plaintiff Lucy Brady of Clarendon Hills, who has spent more than \$5,000 on the toys for her four-year-old son Christopher. "The reason you pay that much for a train is you think they are going to last a lifetime."

According to the lawsuit, the toys carried a lifetime guarantee when they were made by Learning Curve International. In 2003, RC2 Corp. purchased Learning Curve

and cut the warranty to 90 days.

Though Brandy and plaintiff Tanya Powers claim they bought the toys before then, RC2 rebuffed them when the toys broke and they asked for replacements.

Professor: Can't change warranty

"When a company sells a product with a lifetime guarantee, the law does not allow the company to unilaterally change that to some lesser guarantee," said lawyer Thomas Zimmerman, who represents the women.

The lawsuit, filed Tuesday in Cook County Circuit Court, asks for financial compensation and an injunction ordering the company to honor the original warranty. It seeks class-action status and could cost RC2 "tens of millions of dollars," Zimmerman said.

DePaul University College of Law professor Wayne Lewis said while a manufacturer does not have to give a warranty, it cannot change one after the fact. "The lifetime warranty that the consumer got was part of the transaction to him, and maybe even influenced his purchase," he said.

RC2's chief financial officer did not return calls seeking comment. The company had \$504 million in sales last year, and its profits jumped 56 percent. RC2 makes a variety of toys and collectible ob-

jects — including the "Bob the Builder" line — and employs 700 people.

British author Rev. William Awdry created Thomas the Tank in the 1940s in a series of children's books.

In 1984, "Thomas the Tank Engine & Friends" debuted on British television. Five years later, it started appearing on public television in the U.S. Celebrities including Ringo Starr, George Carlin and Alec Baldwin have served as characters' voices.

Thomas, the blue train with a smiling face, became hugely popular with children, spawning the highly successful toy line.

\$499 for deluxe set

"I was buying one a week," said Powers, who lives in Deerfield and said she bought them to "appease" her son.

The toys range in price from \$7.97 for "Bertie the Bus" to \$499.97 for a deluxe set.

While children like the toys, which make a "clack-clack" sound as they roll along the tracks, Powers and Brady said they appreciated the products' simplicity. Unlike battery-operated gadgets and other items cluttering the market, the Thomas toys are made of wood, they noted.

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