

ALSTON & BIRD

CPSC RECALL SNAPSHOT

A MONTHLY REVIEW OF CONSUMER PRODUCT RECALLS
AND CIVIL PENALTIES ANNOUNCED BY THE CPSC



December 2019

Welcome to the December edition of the Alston & Bird *CPSC Recall Snapshot*.

The CPSC has come under scrutiny this year by some who feel it did not appropriately handle complaints about certain consumer products, prompting an investigation into its actions by the Senate. After the *Washington Post* published an article about the CPSC's handling of reports of injuries from BOB jogging strollers earlier this year, U.S. Senator Maria Cantwell (D-WA), the ranking member of the Senate Commerce, Science, and Transportation Committee, demanded the CPSC produce documents related to its investigation into the strollers. Her [April 8, 2019 letter](#) (which was supplemented by a June 27, 2019 letter) initiated an inquiry into the CPSC's handling of its investigation into the strollers, Fisher-Price Rock 'N Play Sleepers, and residential elevators.

Last week, the Senate Commerce Committee issued a [report](#) (associated exhibits can be found [here](#) and [here](#)) after reviewing the documents it received in response to the Senator's requests, finding that a "series of high-profile failures to effectively recall dangerous products" occurred as a "result of a pattern of inappropriate deference to industry that has characterized CPSC leadership in recent years." The report criticizes, among other things, the CPSC's approval of settlements allowing companies to offer coupons toward the purchase of additional products rather than offering refunds to consumers, describing that the recalls "perversely serve as marketing tools" that function "less as true remedies for consumers, and more as incentive programs to bring more business to the companies involved in the recalls."

The report's ultimate recommendations are for the CPSC to (1) increase the use of imminent health and safety warnings; (2) "more aggressively" use its penalty authority when companies fail to timely report a substantial product hazard; and (3) use refunds or "consumer-friendly" repairs as a default remedy rather than utilizing coupons or voucher programs.

The CPSC has not issued a public response to the report as of yet, but the report does note that the "CPSC has expressed an indication to take a more aggressive approach to protecting consumers and addressing past failures." The majority of the CPSC's actions investigated by the committee occurred under the leadership of then-CPSC Acting Chairman Anne Marie Buerkle, a Republican, who recently stepped down from her position as acting chairman. She was succeeded by the current acting chairman, Commissioner Bob Adler, a Democrat.

Click [here](#) to subscribe to the *Snapshot*. For additional information or questions about CPSC issues, please email us at: catherine.payne@alston.com.

Sincerely,

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Voluntary Recalls Announced by the CPSC in November 2019

NUMBER OF RECALLS BY PRODUCT CATEGORY

Appliance – 2 Child/Infant – 1 Electronics – 2 Housewares – 2 Miscellaneous – 5
Sporting Goods – 3 Tools/Hardware – 1 Yard Equipment – 1

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Portable Generator Press Release	Appliance	Fire/Burn Hazard	0	10,100
Microwave Oven Press Release	Appliance	Burn Hazard	0	700
Sweatshirt Press Release	Child/Infant	Strangulation Hazard	0	6,600 (520 Can.)
Speaker Press Release	Electronics	Burst/Impact Hazard	0	88,000
Power Adapter Press Release	Electronics	Electrical Shock Hazard	1	65,000 (159 Can.)
Crocodile Candleholder Press Release	Housewares	Fire Hazard	0	180
Jack-O-Lantern Decoration Press Release	Housewares	Fire Hazard	0	5,000
Essential Oil Press Release	Miscellaneous	Poisoning Hazard	0	270
Essential Oil Press Release	Miscellaneous	Poisoning Hazard	0	62,700

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Wood Restoration Cleaner Press Release	Miscellaneous	Poisoning Hazard	0	450 (1,400 Can.)
Burn Pad Press Release	Miscellaneous	Poisoning Hazard	0	153,000
Knitting Needle Press Release	Miscellaneous	Laceration Hazard	0	270
Ski Boot Press Release	Sporting Goods	Fall Hazard	0	4,200 (1,200 Can.)
Firearm Holster Press Release	Sporting Goods	Projectile Hazard	0	500
Isometric Exercise Device Press Release	Sporting Goods	Laceration Hazard	0 (5 in prior recall)	1,500 (from prior recall)
Hammer Press Release	Tools/Hardware	Injury Hazard	0	211,000
Riding Mower Press Release	Yard Equipment	Injury Hazard	0	1,160

The CPSC did not announce any civil penalties in November.

Alston & Bird helps companies navigate the CPSC's complex regulations—from testing, to labeling, to recalls—and everything in between. We also help companies monitor and respond to complaints submitted to the CPSC's consumer complaint database, www.SaferProducts.gov. For additional information or questions about recalls, the SaferProducts.gov database or other CPSC issues, please email catherine.payne@alston.com or visit the firm's website at www.alston.com.

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