

A close-up photograph of a hand holding a camera lens. The lens is black with silver accents and has 'MD 28mm 1:2' printed on it. The hand is positioned on the left side of the frame, with the thumb and index finger gripping the lens. The background is a soft, out-of-focus grey.

ALSTON & BIRD

CPSC Recall Snapshot

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

December 2016

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

There has been another twist in the rare earth magnet saga. In November, the Tenth Circuit threw out the CPSC's rule that restricted the size and strength of rare earth magnets. In vacating the rule, the Tenth Circuit found that the CPSC did not meet its burden to weigh the costs and benefits of the rule to determine whether the rule was justified. Specifically, the court found that the data behind the rule did not reflect market changes created by the CPSC's recent compliance activities. The court also cited the fact that the injury reports the CPSC relied on only "possibly" related to magnets, which the court found to be insufficient. The Tenth Circuit's ruling came after an administrative law judge found that the magnets of the sole company still selling them were not inherently dangerous..

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

Sincerely,

A handwritten signature in black ink that reads 'Jenifer Keenan'. The signature is written in a cursive, flowing style.

[Jenifer Keenan, Esq.](#)

Editor

ALSTON & BIRD

CPSC Recall Snapshot

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

December 2016

Voluntary Recalls Announced by the CPSC in November 2016

NUMBER OF RECALLS BY PRODUCT CATEGORY

Housewares – 12

Sporting Goods – 7

Appliance – 4

Vehicle – 4

Furniture – 1

Child/Infant – 1

Miscellaneous – 1

Yard Equipment – 1

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Teapot Press Release	Housewares	Fire Hazard	0	7,300
Glass Knob Press Release	Housewares	Laceration Hazard	7	140,000 U.S. 17,600 Can.
Luminaires Press Release	Housewares	Injury Hazard	0	398,00
Ceiling Fixture Press Release	Housewares	Fire Hazard	0	68,600 U.S. 2,300 Can.
Smoke/CO Alarm Press Release	Housewares	Failure Hazard	0	3.6 million U.S. 1.5 million Can.
Night Light Press Release	Housewares	Shock/Fire Hazard	0	39,000
Cleaning Powder Press Release	Housewares	Bacteria Exposure Hazard	0	550,000
Door Lockset Press Release	Housewares	Entrapment Hazard	0	70,000
Espresso Maker Press Release	Housewares	Impact/Burn Hazard	1	17,500
Lantern Press Release	Housewares	Fire Hazard	0	5,900
LED Lamp Press Release	Housewares	Electrical Shock Hazard	0	39,000
Wood Cleaner Press Release	Housewares	Chemical Hazard	0	10,300
Treestand Press Release	Sporting Goods	Fall Hazard	0	270

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Climbmill Press Release	Sporting Goods	Fall Hazard	8	10,500
Shock Absorber Press Release	Sporting Goods	Fall/Injury Hazard	0	6,100 U.S. 1,200 Can.
Bicycle Press Release	Sporting Goods	Fall Hazard	0	2,600 U.S. 360 Can.
Bicycle Press Release	Sporting Goods	Fall Hazard	1	240 U.S. 5 Can.
Ski Boots Press Release	Sporting Goods	Fall Hazard	0	1,300 U.S. 300 Can.
Diving Computers Press Release	Sporting Goods	Drowning/Injury Hazard	0	175
Dehumidifier Press Release	Appliance	Fire/Burn Hazard	0	3.4 million U.S. 850,000 Can.
Washing Machine Press Release	Appliance	Impact Hazard	9	2.8 million
Furnace Press Release	Appliance	Shock Hazard	0	17,700
Dehumidifier Press Release	Appliance	Fire/Burn Hazard	0	2.5 million U.S. 55,000 Can.
Off-Road Fun-Kart Press Release	Vehicle	Leak/Fire Hazard	0	9,900
Off-Road Vehicle Press Release	Vehicle	Crash Hazard	0	2,380
ATV/UTV Clutch Press Release	Vehicle	Laceration/Injury Hazard	1	500
Off-Road Motorcycle Press Release	Vehicle	Crash Hazard	0	1,200
Reclining Chair Press Release	Furniture	Fall Hazard	0	1,100
Shoe Press Release	Child/Infant	Laceration Hazard	0	5,500
Air Valve Press Release	Miscellaneous	Choking Hazard	0	10,000
Leaf and Lawn Vacuum Press Release	Yard Equipment	Fire/Burn Hazard	0	3,900

Civil Penalties Announced by the CPSC in November 2016

PRODUCT	PRODUCT CATEGORY	BASIS FOR PENALTY	CIVIL PENALTY AMOUNT
Glass Fish Bowl Press Release	Housewares	Knowing misrepresentation of the scope of products subject to a recall. The firm allegedly failed to identify the correct amount and distribution dates of the fish bowls subject to recall, requiring an additional 81,300 bowls to be recalled.	\$4.25 million

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 jenifer.keenan@alston.com or visit the firm's website at www.alston.com.

[Jenifer Keenan, Esq.](#) – Editor
[Brad Strickland, Esq.](#) – Assistant Editor

ALSTON & BIRD