

# CPSC Recall Snapshot



A monthly review of consumer product recalls and civil penalties announced by the CPSC

June 2014

## Alarming Changes to the Recall Process

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

The proposed changes to the CPSC's voluntary recall program, which were announced in November 2013, have been widely criticized. In a recent letter to the CPSC's congressional oversight committee, former CPSC Chairperson Ann Brown stated that the proposed changes threaten the continued success and viability of the CPSC's Fast Track recall program. Specifically, Brown stated:

Now this award winning program appears to face the risk of being unintentionally undermined by a rule proposed by the CPSC in November 2013 that is intended to enhance voluntary recalls by setting forth principles and guidelines for the content and form of voluntary recall notices that firms provide as part of corrective action plans. One of the CPSC's proposals is to prohibit firms desiring to conduct a voluntary recall from disclaiming that there is a hazard presented by their product unless the Commission agrees to the disclaimer. I am concerned that this proposal if adopted could undermine the efficacy of the Fast Track program. Another proposal would classify a voluntary Corrective Action Plan (CAP) as "legally binding" thus transforming a CAP into a Consent Decree, potentially delaying an otherwise effective recall weeks or even months due to haggling over legalities. A Fast Track procedure would be rendered impossible under these circumstances.

Former Commissioner Nancy Nord has also been critical of the proposed changes, stating that the proposed changes are "ill advised" and will make the recall process "more difficult, costly, and unwieldy for companies conducting recalls."

We will continue to keep you updated on the status of the proposed changes to the recall process.

We hope you find the *Snapshot* of last month's recalls a useful tool in keeping up-to-date on the activities of the CPSC. We also invite you to check out our [Products Liability Blog](#), which features important updates on CPSC and products liability issues.

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

Sincerely,

Jenifer Keenan, Esq.  
Editor

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## Voluntary Recalls Announced by the CPSC in May 2014

### NUMBER OF RECALLS BY PRODUCT CATEGORY

Child/Infant – 8      Housewares – 7      Appliances – 4      Furniture – 4      Sporting Goods – 3  
 Tools/Hardware – 2      Electronics – 2      Yard Equipment – 1

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Hooded Jackets <a href="#">Press Release</a>	Child/Infant	Strangulation Hazard	0	133 U.S. 2,032 Can.
Coveralls <a href="#">Press Release</a>	Child/Infant	Choking Hazard	0	8,700
Sorting Boards <a href="#">Press Release</a>	Child/Infant	Choking/Ingestion Hazard	0	3,700
Felt Baskets <a href="#">Press Release</a>	Child/Infant	Choking Hazard	0	24,200
Girl's Leggings <a href="#">Press Release</a>	Child/Infant	Choking Hazard	1 (in U.K.)	65,000
Play Set <a href="#">Press Release</a>	Child/Infant	Choking Hazard	0	2,000
Pajamas <a href="#">Press Release</a>	Child/Infant	Burn Hazard	0	1,400
Baby Food Maker <a href="#">Press Release</a>	Child/Infant	Small Parts Hazard	0	790 U.S. 3,100 Can.
Eye Lash Curler <a href="#">Press Release</a>	Housewares	Eye Injury Hazard	13	478,000 U.S. 41,795 Can.
Jerky Blaster <a href="#">Press Release</a>	Housewares	Fire Hazard	0	600
Personal Mister <a href="#">Press Release</a>	Housewares	Laceration Hazard	1	9,000
Power Strip <a href="#">Press Release</a>	Housewares	Fire Hazard	0	46,000 U.S. 169 Can.
Adult Bed Handle <a href="#">Press Release</a>	Housewares	Entrapment/Strangulation/Death Hazard	3	113,000
Smoke/CO2 Alarm <a href="#">Press Release</a>	Housewares	Failure Hazard	0	440,000
Lighting <a href="#">Press Release</a>	Housewares	Electric Arc/Fire Hazard	0	222,000
Pool Sanitation System <a href="#">Press Release</a>	Appliances	Fire Hazard	0	960
Pool Sanitation System <a href="#">Press Release</a>	Appliances	Fire/Burn Hazard	1	3,660

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Dehumidifier <a href="#">Press Release</a>	Appliances	Fire/Burn Hazard	0	2.5 Million U.S. 55,000 Can.
Ceramic Heater <a href="#">Press Release</a>	Appliances	Fire/Burn Hazard	0	151,600
Trunk <a href="#">Press Release</a>	Furniture	Lead Hazard	0	1,150
Patio Dining Chairs <a href="#">Press Release</a>	Furniture	Fall Hazard	1	6,700
Bench <a href="#">Press Release</a>	Furniture	Fall Hazard	0	700
Leather Task Chair <a href="#">Press Release</a>	Furniture	Fall Hazard	25	1,440,000
Tandem Bicycle <a href="#">Press Release</a>	Sporting Goods	Injury Hazard	0	80
Bicycles <a href="#">Press Release</a>	Sporting Goods	Fall Hazard	0	160
Crossbow <a href="#">Press Release</a>	Sporting Goods	Injury Hazard	0	2,800
Flashlight <a href="#">Press Release</a>	Tools/Hardware	Burn/Injury Hazard	2	365,000
Lantern <a href="#">Press Release</a>	Tools/Hardware	Fire/Burn Hazard	0	95
Emergency Lights <a href="#">Press Release</a>	Electronics	Fire/Burn Hazard	0	1.7 Million
Riding Mower <a href="#">Press Release</a>	Yard Equipment	Crash Hazard	1	5,300 U.S. 40 Can.

## Civil Penalties Announced by the CPSC in April 2012

PRODUCT	PRODUCT CATEGORY	BASIS FOR PENALTY	CIVIL PENALTY AMOUNT
Wall Ovens <a href="#">Press Release</a>	Appliance	<p>Failure to immediately report consumer reports of injuries caused by ovens distributed from February 2006 to November 2007.</p> <p>The failure to report hazards occurred after a defect was identified by a sister company in January 2005, which lead to an implementation of a design change in the ovens to fix the defect in March 2006.</p>	\$750,000

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 new consumer complaint database, [www.SaferProducts.gov](http://www.SaferProducts.gov). For additional information or questions about recalls, the SaferProducts.gov database or other CPSC issues, please email [jenifer.keenan@alston.com](mailto:jenifer.keenan@alston.com) or visit the firm's website at <http://www.alston.com>.

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