

# CPSC Recall Snapshot



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

August 2014

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

There have been some interesting developments relating to the high powered magnets that have been the focus of so much attention by the CPSC. Although BuckyBalls and others agreed to recall their magnet products in recent months, the manufacturer of a similar product, Zen Magnets, has vowed to fight the CPSC in court. In a recent press release, Zen Magnets stated:

*Magnet spheres are not defective, they work exactly as they are supposed to. Strong to hold formation. Round to allow connections at non-fixed angles. Used en masse for endless possibilities. There is absolutely no replacement or substitute for magnet spheres, nothing has the same dynamic tactile abilities that magnet spheres do. . . .*

*Take this as official notice that Zen Magnets LLC is going All-in . . . We vow to continue this legal, awareness, and lobbying battle, until our very last drop of cash-flow blood. We will combat the CPSC's magnet prohibition until triumph, or until a glorious death of insolvency on the legal battlefield. At the very least, we'll have one more holiday season of availability.*

The Zen Magnets trial is scheduled for December. At the conclusion of the trial, an administrative law judge will determine whether the magnets present a “substantial product hazard” under the Consumer Product Safety Act.

In other news, the new CPSC chairman, Elliot Kaye, indicated in a recent interview that new CPSC rules, including the proposed changes to the voluntary recall rule and information disclosure rule, must show that they would achieve important safety objectives. Many defense attorneys have criticized the proposed changes to the long-standing voluntary recall and information disclosure rules and claim the changes will make companies less willing to voluntarily cooperate with the CPSC. Kaye's comments hopefully indicate a recognition that many of the controversial changes that have been proposed should be softened, or even abandoned, because they do not foster “important safety objectives.”

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 July 2014

### NUMBER OF RECALLS BY PRODUCT CATEGORY

Child/Infant – 5  
Furniture – 2

Electronics – 4  
Vehicles – 1

Housewares – 4  
Yard Equipment – 1

Sporting Goods – 4  
Miscellaneous – 1

Tools/Hardware – 3

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Child-Resistant Bottle Closure <a href="#">Press Release</a>	Child/Infant	Poison Hazard	0	10,600
Crib <a href="#">Press Release</a>	Child/Infant	Entrapment Hazard	0	14,000
High Chair <a href="#">Press Release</a>	Child/Infant	Strangulation/Fall Hazard	0	2,800
Baby Monitor <a href="#">Press Release</a>	Child/Infant	Strangulation Hazard	0	25,000 U.S. 3,500 Can.
Youth Bicycle <a href="#">Press Release</a>	Child/Infant	Fall Hazard	0	3,100
Laptop <a href="#">Press Release</a>	Electronics	Fire/Burn Hazard	0	680
Charging Kit <a href="#">Press Release</a>	Electronics	Fire/Burn/ Electrical Shock Hazard	0	25,400
Adaptor/Charger <a href="#">Press Release</a>	Electronics	Burn Hazard	1	31,000
Car Adapter/Charger/Cable <a href="#">Press Release</a>	Electronics	Fire/Electrical Shock Hazard	0	2,500
Mock Sword Fireworks Device <a href="#">Press Release</a>	Housewares	Impact/Burn Hazard	0	1,040
LED Bulb <a href="#">Press Release</a>	Housewares	Impact/Burn Hazard	0	9,500
Beverage Dispenser <a href="#">Press Release</a>	Housewares	Injury Hazard	1	4,000
Glass Lens <a href="#">Press Release</a>	Housewares	Laceration Hazard	0	7,500
Neck Knife <a href="#">Press Release</a>	Sporting Goods	Laceration Hazard	0	4,000
Resistance Band <a href="#">Press Release</a>	Sporting Goods	Injury Hazard	1	60,000 U.S. 3,000 Can.
Mountain Bicycle <a href="#">Press Release</a>	Sporting Goods	Crash/Injury Hazard	0	120 U.S. 32 Can.
Mountain Bicycle <a href="#">Press Release</a>	Sporting Goods	Crash Hazard	0	1,800
Patio Chair <a href="#">Press Release</a>	Furniture	Fall Hazard	0	4,000

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Bar Stool <a href="#">Press Release</a>	Furniture	Fall Hazard	0	1,000
Production Router <a href="#">Press Release</a>	Tools/Hardware	Electric Shock Hazard	0	10,000 U.S. 7,800 Can.
Angle Grinder <a href="#">Press Release</a>	Tools/Hardware	Laceration Hazard	0	4,300
Welding Torch <a href="#">Press Release</a>	Tools/Hardware	Fire Hazard	0	13,000 U.S. 350 Can.
Off-Highway Vehicle <a href="#">Press Release</a>	Vehicles	Injury Hazard	2	11,000
Snow Thrower <a href="#">Press Release</a>	Yard Equipment	Fire Hazard	0	10,000
Products Sold After Recall <a href="#">Press Release</a>	Miscellaneous	Fire/Burn/Shock/ Expelled Parts/Fall/ Skin Irritant Hazard	N/A	200

## Civil Penalties Announced by the CPSC in July 2014

PRODUCT	PRODUCT CATEGORY	BASIS FOR PENALTY	CIVIL PENALTY AMOUNT
Floor Cleaner <a href="#">Press Release</a>	Housewares	<p>Knowing failure to immediately report consumer reports of property damage and injuries caused by floor cleaners distributed from September 2004 to August 2006.</p> <p>The failure to report occurred after the company received approximately 2,000 reports of arcing, 120 reports of overheating and property damage and two reports of injuries.</p>	\$725,000

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](http://www.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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