

ALSTON & BIRD CPSC Recall Snapshot



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

June 2015

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

The saga over high-powered magnets continues. The CPSC has filed another lawsuit against Zen Magnets, which has refused to recall its high-powered magnets. The new suit names not only Zen, but its founder as well in his personal capacity. The suit alleges that the company illegally resold the inventory of a competitor that was negotiating a recall with the CPSC. In a recent blog post, Former Commissioner Nancy Nord stated, “This latest action seems to smack of a vendetta against the one company that did not give in to the agency’s demands, especially since the issue of whether Zen’s magnets should be recalled is well into the latter stages of litigation and, presumably, will be resolved soon.... I wonder whether this latest action, rather than making the government appear strong, makes it appear vindictive and petty, given the force the federal government can bring against a tiny company that dares to challenge it.”

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.

Sincerely,

Jenifer Keenan, Esq.
Editor

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Voluntary Recalls Announced by the CPSC in May 2015

NUMBER OF RECALLS BY PRODUCT CATEGORY

Housewares – 8

Child/Infant – 5

Sporting Goods – 4

Tools/Hardware – 4

Furniture – 3

Apparel – 1

Yard Equipment – 1

| PRODUCT | PRODUCT CATEGORY | ALLEGED HAZARD | REPORTED INJURIES | NUMBER OF PRODUCTS |
|--|------------------|---------------------|-------------------|-----------------------------|
| Night Light Press Release | Housewares | Burn Hazard | 0 | 12,000 |
| Dimming Light Switch Press Release | Housewares | Shock Hazard | 0 | 213,000 |
| Range Press Release | Housewares | Burn Hazard | 3 | 52,000 U.S. 8,300 Can. |
| Range Press Release | Housewares | Fire/Burn Hazard | 0 | 250 |
| Range Press Release | Housewares | Laceration Hazard | 1 | 5,300 |
| Espresso Maker Press Release | Housewares | Burn/Injury Hazard | 1 | 4,700 |
| Coffee Cup Sleeve Press Release | Housewares | Fire Hazard | 0 | 700,000 |
| Safety Gate Press Release | Housewares | Fall Hazard | 3 (0 U.S.) | 58,000 U.S. 17,000 Can. |
| Booster Seat Press Release | Child/Infant | Fall Hazard | 0 | 25,000 U.S. 130 Can. |
| Toy Vehicle Press Release | Child/Infant | Choking Hazard | 0 | 13,200 U.S. 2,100 Can. |
| Crib & Furniture Press Release | Child/Infant | Poisoning Hazard | 0 | 4,600 |
| Crib Mattress Press Release | Child/Infant | Entrapment Hazard | 0 | 131,000 U.S. 44,000 Can. |
| Youth All-Terrain Vehicle Press Release | Child/Infant | Crash Hazard | 0 | 12,500 |
| Mountain Bike Press Release | Sporting Goods | Crash/Injury Hazard | 0 | 160 |

| PRODUCT | PRODUCT CATEGORY | ALLEGED HAZARD | REPORTED INJURIES | NUMBER OF PRODUCTS |
|--|------------------|--------------------------|-------------------|-----------------------------|
| Weight Bench Press Release | Sporting Goods | Injury Hazard | 0 | 100 |
| Crossbow Press Release | Sporting Goods | Injury Hazard | 0 | 127,000 |
| Bicycle Press Release | Sporting Goods | Crash Hazard | 0 | 200 |
| Folding Knife Press Release | Tools/Hardware | Laceration Hazard | 6 | 150,000 U.S. 11,000 Can. |
| Marine Winch Press Release | Tools/Hardware | Injury Hazard | 0 | 1,700 |
| Snow Shovel Press Release | Tools/Hardware | Fail Hazard | 0 | 4,300 U.S. 340 Can. |
| Axe Press Release | Tools/Hardware | Laceration/Impact Hazard | 0 | 220 |
| Swivel Stool Press Release | Furniture | Fall Hazard | 0 | 125,000 |
| Power Reclining Furniture Press Release | Furniture | Fall Hazard | 0 | 2,600 |
| Power Reclining Furniture Press Release | Furniture | Fire Hazard | 0 | 81,000 |
| Snake Boot Press Release | Apparel | Fail Hazard | 0 | 1,800 |
| Electric Lawn Mower Press Release | Yard Equipment | Injury Hazard | 0 | 1,200 |

Civil Penalties Announced by CPSC in April 2015

| PRODUCT | PRODUCT CATEGORY | BASIS FOR PENALTY | CIVIL PENALTY AMOUNT |
|---|------------------|---|----------------------|
| Office Chair Press Release | Housewares | Knowing failure to report defect and an unreasonable risk of serious injury involving two models of office chairs. The failure to report began in 2006 when the company began receiving reports that the seatbacks on the office chairs would fail, resulting in multiple back and other injuries. | \$3.4 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 new 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.

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