



ALSTON & BIRD

CPSC Recall Snapshot

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

April 2016

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

Last month, Administrative Law Judge Dean C. Metry issued a ruling against the CPSC in litigation with Zen Magnets over its small-diameter magnetic balls. After a roughly two-week hearing in 2014, Judge Metry ruled that Zen's magnetic balls were not inherently unsafe because they only pose a danger when they are separated into individual balls and then swallowed, which is not the intended use of the product. Judge Metry further found that at least from 2012 onward, Zen had provided adequate warnings about the magnetic toys' potential risks of ingestion and injury. The company's statement on this latest ruling can be found [here](#). This isn't the end of the story, however, because just a week before this ruling, a different judge ordered Zen to recall magnet sets that contained magnets purchased by Zen that had been recalled by another manufacturer. We will continue to keep you abreast of ongoing developments in the magnetic ball saga.

Click [here](#) to subscribe to the *Snapshot*. For additional information or questions about CPSC issues, please email me at jenifer.keenan@alston.com. We also invite you to check out our [Products Liability Blog](#), which features important updates on CPSC and products liability issues.

Sincerely,

[Jenifer Keenan, Esq.](#)
Editor



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Voluntary Recalls Announced by the CPSC in March 2016

NUMBER OF RECALLS BY PRODUCT CATEGORY

Housewares – 9
Tools/Hardware – 2

Sporting Goods – 6
Appliance – 1

Electronics – 3
Vehicle – 1

Furniture – 2

| PRODUCT | PRODUCT CATEGORY | ALLEGED HAZARD | REPORTED INJURIES | NUMBER OF PRODUCTS |
|--|------------------|-------------------|-------------------|----------------------------------|
| Aquarium Press Release | Housewares | Shock Hazard | 0 | 155,000 U.S. 3,300 Can. |
| Ceramic Mug Press Release | Housewares | Fire Hazard | 0 | 12,300 |
| Metal Wall Plates Press Release | Housewares | Shock/Fire Hazard | 0 | 374,000 |
| Lamp Press Release | Housewares | Shock Hazard | 3 | 30,600 |
| Lamp Press Release | Housewares | Impact Hazard | 0 | 35,000 U.S. 500 Mex. |
| Wall Clock Press Release | Housewares | Fire Hazard | 0 | 450 |
| Pool Cover Press Release | Housewares | Drowning Hazard | 0 | 350 |
| Fan Heater Press Release | Housewares | Fire Hazard | 0 | 8,500 |
| Fire Alarm Panel Press Release | Housewares | Failure Hazard | 0 | 1,000 |
| Carabiner Press Release | Sporting Goods | Fall Hazard | 0 | 1.16 million U.S. 81,000 Can. |
| Headlight and Taillight Press Release | Sporting Goods | Fire/Burn Hazard | 0 | 110,000 |

| PRODUCT | PRODUCT CATEGORY | ALLEGED HAZARD | REPORTED INJURIES | NUMBER OF PRODUCTS |
|--|------------------|--------------------------|-------------------|-----------------------------|
| Bicycle Flywheel Press Release | Sporting Goods | Injury/Impact Hazard | 3 | 25,000 |
| Bicycle Wheel Hub Press Release | Sporting Goods | Crash/Injury Hazard | 0 | 54,000 U.S. 2,900 Can. |
| Bicycle Quick Release Press Release | Sporting Goods | Crash/Injury Hazard | 0 | 6,400 |
| Nylon Runner Press Release | Sporting Goods | Fall Hazard | 0 | 185,000 U.S. 23,600 Can. |
| Radio Press Release | Electronics | Fire Hazard | 0 | 57,000 |
| Computer Battery Pack Press Release | Electronics | Fire Hazard | 0 | 387 U.S. 110 Can. |
| Computer Battery Pack Press Release | Electronics | Burn/Fire Hazard | 0 | 91,000 U.S. 10,000 Can. |
| Table Top Toy Press Release | Child/Infant | Choking Hazard | 0 | 2,100 U.S. 448 Can. |
| Pajamas Press Release | Child/Infant | Burn Hazard | 0 | 5,400 |
| Chair Press Release | Furniture | Laceration Hazard | 0 | 1,500 |
| Chair/Stool Press Release | Furniture | Fall Hazard | 3 | 92,000 |
| Flashlight Press Release | Tools/Hardware | Fire Hazard | 0 | 3,950 U.S. 818 Can. |
| Loppers Press Release | Tools/Hardware | Injury/Laceration Hazard | 33 | 277,000 U.S. 11,000 Can. |
| Furnace and Boiler Press Release | Appliance | Fire Hazard | 0 | 110 |
| Utility Vehicle Press Release | Vehicle | Crash/Injury Hazard | 0 | 1,700 |

Civil Penalties Announced by the CPSC in March 2016

| PRODUCT | PRODUCT CATEGORY | BASIS FOR PENALTY | CIVIL PENALTY AMOUNT |
|---|------------------|--|----------------------|
| Dehumidifier Press Release | Housewares | <p>Knowingly failed to report a defect and an unreasonable risk of serious injury with dehumidifiers; knowingly made misrepresentations to the CPSC during the CPSC's investigation; sold dehumidifiers with the UL safety certification knowing that the dehumidifiers did not meet UL flammability standards.</p> <p>The dehumidifiers were recalled in 2013 and in 2014 after the company began receiving complaints the dehumidifiers were overheating and catching fire. These incidents resulted in nearly \$4.5 million in property damage.</p> | \$15.45 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.

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