

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 as if about to take a photo.

ALSTON & BIRD

CPSC Recall Snapshot

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

October 2016

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

Earlier this month, CPSC Chairman Elliot Kaye took the uncommon step of threatening furniture makers with mandatory federal rules to address furniture tip-overs. Specifically, Chairman Kaye demanded that the industry strengthen its voluntary standards to prevent its products from tipping over and injuring or killing children, stating, "the current standard just does not get the job done and it needs to be revised now." This comes after Chairman Kaye took the unusual step of promoting two recent staff reports that found the voluntary standards to be "insufficient." As for changes to the voluntary rule, Chairman Kaye mentioned four specific areas for improvement: (1) testing to the weight of a normal five-year-old; (2) considering dynamic rather than static testing procedures; (3) including carpet in testing; and (4) ensuring effective placement of warning labels. Chairman Kaye expects to know by November whether the industry will attempt to disprove the CPSC's work and conclusions or will make efforts to address the concerns raised by the CPSC.

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".

[Jenifer Keenan, Esq.](#)

Editor

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Voluntary Recalls Announced by the CPSC in September 2016

NUMBER OF RECALLS BY PRODUCT CATEGORY

Sporting Goods – 4

Vehicle – 3

Child/Infant – 2

Electronics – 2

Furniture – 2

Housewares – 2

Yard Equipment – 2

Appliance – 1

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Ice Tool Press Release	Sporting Goods	Fall Hazard	0	220
Buoyancy Control Device Press Release	Sporting Goods	Drowning Hazard	0	1400 U.S. 50 Can.
Bicycle Helmet Press Release	Sporting Goods	Head Injury Hazard	0	2,000 U.S. 1,600 Can.
Bicycle Press Release	Sporting Goods	Fall Hazard	0	3,000
Off-Highway Vehicle Press Release	Vehicle	Fire/Burn Hazard	4	42,500
Off-Highway Vehicle Press Release	Vehicle	Fire/Burn Hazard	6	13,000
Off-Road Motorcycle Press Release	Vehicle	Crash Hazard	0	920
Infant Carrier Press Release	Child/Infant	Fall Hazard	0	900 U.S. 600 Can.
Pacifier Clip Press Release	Child/Infant	Choking Hazard	0	53,000
Battery Pack Press Release	Electronics	Fire/Burn Hazard	0	3,400 U.S. 240 Can.
Smartphone Press Release	Electronics	Fire/Burn Hazard	26	1 million
Tripod Stool Press Release	Furniture	Fall Hazard	0	2,600
Bungee Chair Press Release	Furniture	Fall Hazard	2	4,100

PRODUCT	PRODUCT CATEGORY	ALLEGED HAZARD	REPORTED INJURIES	NUMBER OF PRODUCTS
Pool Alarm Press Release	Housewares	Failure Hazard	0	1,600
Light Bulb Press Release	Housewares	Shock Hazard	0	11,500
Backhoe Attachments Press Release	Yard Equipment	Crushing Hazard	0	50
Blower/Vacuum/Mulcher Press Release	Yard Equipment	Laceration Hazard	4	560,000 U.S. 20,000 Can.
Clothes Washer Press Release	Appliance	Fire Hazard	0	220,000 U.S. 450 Can.

Civil Penalties Announced by the CPSC in September 2016

PRODUCT	PRODUCT CATEGORY	BASIS FOR PENALTY	CIVIL PENALTY AMOUNT
Air Conditioner/ Heater Press Release	Appliance	<p>Knowing failure to report a defect and an unreasonable risk of serious injury with the air conditioner/heaters, as well as a misrepresentation of the number of fires that had occurred with the air conditioner/heaters.</p> <p>The failure to report began after the company received numerous reports that the air conditioner/heaters caught fire, smoked and overheated. The firm delayed reporting the fires for about two years and withheld notifying the CPSC of six additional incidents.</p>	\$5.55 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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