



IMPROVING
CHILDREN'S
PRODUCT
SAFETY

**Consumers
Union**[®]

POLICY & ACTION FROM
CONSUMER REPORTS



U.S. PIRG
Federation of
State PIRGs



NATIONAL CENTER FOR
HEALTH RESEARCH
The Voice For Prevention, Treatment And Policy



For Immediate Release:
July 28, 2016

Contact:
Rachel Weintraub, CFA (202) 387-6121
Jonathan Jaffe, KBS (973) 315-0300
Nancy Cowles, KID (312) 595-0649
William Wallace, CU (202) 462-6262
Susan Harley Gill, PC (202) 454-5150
Ed Mierzwinski, PIRG (202) 461-3821
Diana Zuckerman, NCHR (202) 223-4000

Consumer Groups Call for Ban on Infant Mattresses that Pose Risk to Babies

Strong New Jersey Bill Would Protect Children

Washington, DC – A number of leading consumer and public health organizations, including Consumer Federation of America, Consumers Union, Keeping Babies Safe (KBS), Kids In Danger, National Center for Health Research, Public Citizen, and U.S. PIRG are calling for stronger action to protect babies from hazards posed by supplemental mattresses for soft-sided play yards.

Supplemental mattresses are mattresses sold individually, can be bought for use with play yards, and are advertised as safe. According to U.S. Consumer Product Safety Commission data from 2000 through 2013, at least 15 children died while sleeping on supplemental mattresses. These deaths involved a child being wedged between gaps created when the supplemental mattress was added to the play yard or portable crib.

The voluntary standard, ASTM F406-13, acknowledges this risk with a warning label telling parents not to use these mattresses, and instructing consumers to only use the original mattress pad contained in the play yard package. Still, these supplemental mattresses, seemingly in contradiction to this voluntary standard and the warning label, continue to be sold.

“The sale of supplemental mattresses creates significant confusion for consumers. How can these products be sold if there is a warning about their safe use?” asks KBS President Joyce Davis.

“Bare is Best,” said Nancy Cowles, Executive Director of Kids In Danger. “This unnecessary and dangerous product, like other soft bedding, has no place in a safe crib. If it isn’t safe, it shouldn’t be on store shelves.”

The groups applaud the introduction of bi-partisan legislation in New Jersey that would finally ban the sale of supplemental baby mattresses in that state. The legislation (A-1139), which “prohibits the sale of unsafe supplemental mattresses designed for children products,” is now before the Assembly Consumer Affairs Committee.

The bill is sponsored by Assembly members Jamel Holley, Nancy Munoz and Angela McKnight. Holley, the driving force behind the legislation and a KBS “Legislator of the Year,” recently sent a letter to the committee chairman, urging him to expedite a hearing on the bill.

“The longer we have these supplemental mattresses sold in New Jersey, the longer we have a direct and proven risk to babies,” Holley said. “The industry has known for two decades that this product is a proven suffocation hazard, yet has done nothing. The state Legislature, and this governor, can finally put an end to this risk in New Jersey.”

Specifically, the bill bans the sale of unsafe supplemental mattresses intended to be used by children in products, such as non-full size cribs, portable cribs, play pens, and play yards.

If the legislation is adopted, retailers caught selling supplemental mattresses would be fined up to \$10,000 for a first offense and up to \$20,000 for any subsequent offense. Additionally, there could be punitive damages and the awarding of treble damages and costs to the injured party.

"This is a sensible bill that would help keep young children safe," said William Wallace, Policy Analyst at Consumers Union, the policy and mobilization arm of Consumer Reports. "New Jersey policymakers should approve it without delay."

“The evidence is clear: These supplemental mattresses can kill children,” says Dr. Diana Zuckerman, Ph.D., President of the National Center for Health Research. “They should be banned. As someone who was born and raised in New Jersey, I’m proud to see my home state on the forefront of this important issue.”

The voluntary standard (ASTM F406-13) for play yards provides that mattresses in children’s products meet certain standard consumer safety specifications, such as setting forth the allowable thickness of a mattress, selling a product with the mattress included, only using a mattress provided by the manufacturer, and including a warning about the risk of infant suffocation.

Despite these requirements and standards, supplemental mattresses continue to be marketed to consumers for use in certain cribs, play pens, and play yards and present a risk to babies of injury and death.

“The bill introduced in New Jersey leads the nation in protecting babies from hazards posed by supplemental mattresses and gets rid of the current confusion in the marketplace. We urge other states to follow New Jersey’s lead and we hope that the bill will move successfully through the legislature in the fall,” Davis said.

This year, Consumer Federation of America, Kids In Danger, and Consumers Union, among other organizations, expressed support for Keeping Babies Safe petition, which urged the U.S. Consumer Product Safety Commission to ban supplemental mattresses due to the suffocation hazard they pose to infants. The groups continue to urge the CPSC to ban these mattresses.

“Strong action at the state level not only will protect children but will send a clear signal to the manufacturers of these products and to the CPSC that there is a serious safety hazard posed by these products and a much needed solution is necessary” stated Rachel Weintraub, legislative director and general counsel at Consumer Federation of America.

“Public Citizen applauds this legislation to better protect infants in New Jersey,” said Susan Harley, deputy director of Public Citizen’s Congress Watch division. “Our youngest and most vulnerable citizens deserve the safest sleep possible, and that means taking critical action to end the use of supplemental mattresses that can pose a suffocation hazard. And, hopefully this state action will help spur our federal leaders to address this proven risk to infants.”

“Taking action as soon as possible is critical to protect children from the suffocation hazard posed by these mattresses,” stated Ed Mierzwinski, Consumer Program Director at U.S. PIRG. “We urge the U.S. CPSC and the New Jersey legislature to act now.”

Importantly, a number of retailers are working to stop selling supplemental mattresses due to the hazards they pose to children. Toys R Us, Sears, Kmart, Buy Buy Baby and Wayfair state that these products are never sold in their stores or online.

###

Consumer Federation of America is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.

Consumers Union is the policy and mobilization arm of Consumer Reports. Consumers Union works for health reform, food and product safety, financial reform, and other consumer issues in Washington, D.C., the states, and in the marketplace. Consumer Reports is the world’s largest independent product-testing organization. Using its more than 50 labs, auto test center, and survey research center, the nonprofit rates thousands of products and services annually. Founded in 1936, Consumer Reports has over 8 million subscribers to its magazine, website, and other publications.

Keeping Babies Safe is a nationwide nonprofit organization that provides education, assistance, advocacy and leadership in the development of safer children’s products and practices. Instrumental in government level activism, we helped foster passage of national crib safety regulations and are working through manufacturers, retailers and the Consumer Product Safety Commission to ban dangerous supplemental mattresses. More, we are here to educate parents and the public about protecting babies against unsafe sleep environments and preventing injuries associated with unsafe cribs.

Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by improving children’s product safety. KID’s mission is to promote the development of safer products, advocate for children and educate parents and caregivers about dangerous children’s products.

National Center for Health Research is a think tank dedicated to improving the health and safety of adults and children by using research to develop more effective policies.

Public Citizen is a national non-profit organization with more than 400,000 members and supporters. We represent the public interest through lobbying, litigation, administrative advocacy, research and public education on a broad range of issues including consumer rights in the marketplace, product safety, worker rights, workplace safety, financial regulation, safe and affordable health care, campaign finance reform and government ethics, fair trade, climate change and corporate and government accountability. Learn more at citizen.org.

U.S. PIRG serves as the federation of state Public Interest Research Groups. PIRGs are non-profit, non-partisan consumer groups that stand up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society.