



IMPROVING  
CHILDREN'S  
PRODUCT  
SAFETY

**Consumers  
Union**<sup>®</sup>

POLICY & ACTION FROM  
CONSUMER REPORTS



**NJPIRG**  
Citizen Lobby

New Jersey Senate  
President of the Senate  
Senator Stephen Sweeney  
935 Kings Highway  
Suite 400  
West Deptford, NJ 08086

June 20, 2017

Dear Senator,

As leading consumer and public health organizations, Consumer Federation of America, Consumers Union, Keeping Babies Safe (KBS), Kids In Danger, National Center for Health Research, NJPIRG Citizen Lobby and Public Citizen write to urge your support for S2616, an important bill that prohibits the sale of unsafe supplemental mattresses designed for children's products.

Supplemental mattresses are mattresses sold individually, can be bought for use with play yards, and are advertised as safe. However, according to U.S. Consumer Product Safety Commission (CPSC) 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 F406-15, 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 voluntary standard, ASTM F406-15, 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.

Our groups applaud the introduction of bipartisan legislation in New Jersey that would finally ban the sale of supplemental baby mattresses in that state. The legislation A1139/S2616, which "prohibits sale of unsafe supplemental mattresses designed for children's products," is now before the New Jersey Senate and is expected to be voted on this week.

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.

Last year, Consumer Federation of America, Kids In Danger, and Consumers Union, among other organizations, expressed support for a Keeping Babies Safe petition that urged the CPSC to ban supplemental mattresses nationally due to the suffocation hazard they pose to infants. The groups continue to urge the CPSC to ban these mattresses.

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.

We urge the New Jersey Senate and the full New Jersey Legislature to immediately pass this bill to protect the infants and young children of New Jersey.

If you have any further questions about this legislation, please do not hesitate to contact Rachel Weintraub at Consumer Federation of America at (202) 939-1012 or [rweintraub@consumerfed.org](mailto:rweintraub@consumerfed.org).

Thank you for your consideration.

Sincerely,

Rachel Weintraub  
Legislative Director and General Counsel  
Consumer Federation of America  
(202) 387-6121

Joyce Davis  
President  
Keeping Babies Safe  
(908) 581-8699

Nancy Cowles  
Executive Director  
Kids In Danger  
(312) 595-0649

William Wallace  
Policy Analyst  
Consumers Union  
(202) 462-6262

Susan Harley  
Deputy Director, Congress Watch  
Public Citizen  
(202) 454-5150

Ed Mierzwinski  
Federal Consumer Program Director  
NJPIRG Citizen Lobby  
(202) 461-3821

CC: Members of the New Jersey Senate