

Mr. Michael Dwyer President Juvenile Products Manufacturers Association (JPMA) 1120 Rte. 73, Suite 200 Mt. Laurel, NJ 08054

Dear Mr. Dwyer:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports calls on the Juvenile Products Manufacturers Association (JPMA) to immediately demand that its members recall all their infant sleepers with an inclined back surface. Your members' removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to their responsibilities to their customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

Recently, the Consumer Product Safety Commission (CPSC) released the results of agency-commissioned biomechanical research, led by Erin M. Mannen, Ph.D., into the dangers associated with infant inclined sleep products. In examining how infants move and use their muscles in various sleepers, the Mannen Study found that "none of the inclined sleep products that were tested and evaluated as a part of this study are safe for infant sleep." These products had back angles greater than 10 degrees, like those your member companies offer. Citing the findings of the Mannen Study, the CPSC issued a statement advising that parents and caregivers should "[s]top using infant sleep products with inclined seat backs of more than 10 degrees."

Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge JPMA to take action right away and demand that its members recall all their remaining infant inclined sleepers and remove them from the market.

There is no reason to wait for more deaths or injuries to take action. Too many dangerous sleep products remain for sale and in use at homes and day care centers, and continue to put infants at risk.⁴ We strongly urge you to ensure your members remove all inclined products from store shelves, online marketplaces, and people's homes permanently—and to include in these recalls all such products that are for sleep, including those marketed for "napping," "resting," or "snoozing," as well as those that imply they are safe for some kinds of sleep but not "unsupervised," "prolonged," or "overnight" sleep.⁵

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

JPMA must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. JPMA must do the same, and ensure its members carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

Sincerely,

Marta L. Tellado President and CEO

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¹ Mannen EM. Biomechanical Analysis of Inclined Sleep. Tab B of CPSC Staff Supplemental Briefing Package on Infant Sleep Products at 60. 2019 (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10_16_2019.pdf).

² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

³ 15 U.S.C. 2064(b); CPSC, Recall Handbook (Mar. 2012).

⁴ CR, "Inclined Sleeper Deaths Rise to 50 as Industry Continues to Sell the Products" (June 20, 2019; last updated Aug. 8, 2019) (online at: www.consumerreports.org/child-safety/inclined-sleeper-deaths-rise-to-50-as-industry-continues-to-sell-the-products).

⁵ CPSC, Memorandum on Supplemental Briefing Package on Infant Sleep Products at 15 (Oct. 16, 2019) (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10 16 2019.pdf).



Mr. Jason Macari President and Chief Executive Officer Baby Delight Inc. 30 Martin Street, Suite 3C Cumberland, RI 02864

Dear Mr. Macari:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Baby Delight to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Baby Delight to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Baby Delight must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Baby Delight must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

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Marta L. Tellado

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Mr. Tom Gwiazdowski Chief Executive Officer Artsana USA, Inc. (Chicco) 1826 William Penn Way Lancaster, PA 17601

Dear Mr. Gwiazdowski:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Chicco to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Chicco to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Chicco must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Chicco must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

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Marta L. Tellado

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² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

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Mr. Paul Powers President and Chief Executive Officer Dorel Juvenile Group 25 Forbes Road, Suite 4 Foxboro, MA 20235

Dear Mr. Powers:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Dorel Juvenile to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Dorel Juvenile to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Dorel Juvenile must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Dorel Juvenile must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

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Marta L. Tellado President and CEO

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² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

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Mr. Jon Chamberlain Chief Executive Officer Evenflo Company, Inc. 225 Byers Road Miamisburg, OH 45342

Dear Mr. Chamberlain:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Evenflo to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Evenflo to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Evenflo must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Evenflo must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

Sincerely,

Marta L. Tellado President and CEO

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Mr. Lorne Jason Clute Chief Executive Officer Hiccapop 2375 Roundhill Drive Alamo, CA 94507

Dear Mr. Clute:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Hiccapop to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Hiccapop to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Hiccapop must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Hiccapop must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

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Marta L. Tellado President and CEO

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Mr. Ynon Kreiz Chairman and CEO Mattel, Inc. 333 Continental Boulevard El Segundo, CA 90245

Dear Mr. Kreiz:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Mattel to immediately recall all its remaining Fisher-Price infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Mattel must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Mattel must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

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Mr. Ravi Saligram President and Chief Executive Officer Newell Brands (Graco) 6655 Peachtree Dunwoody Road Atlanta, GA 30328

Dear Mr. Saligram:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Newell Brands to immediately recall all its Graco infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

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Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Newell Brands to take action right away to recall all its Graco infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Newell Brands must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Newell Brands must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

Sincerely,

Marta L. Tellado President and CEO

Marta Tellas

¹ Mannen EM. Biomechanical Analysis of Inclined Sleep. Tab B of CPSC Staff Supplemental Briefing Package on Infant Sleep Products at 60. 2019 (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10_16_2019.pdf).

² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

³ 15 U.S.C. 2064(b); CPSC, *Recall Handbook* (Mar. 2012).

⁴ CR, "Inclined Sleeper Deaths Rise to 50 as Industry Continues to Sell the Products" (June 20, 2019; last updated Aug. 8, 2019) (online at: www.consumerreports.org/child-safety/inclined-sleeper-deaths-rise-to-50-as-industry-continues-to-sell-the-products).

⁵ CPSC, Memorandum on Supplemental Briefing Package on Infant Sleep Products at 15 (Oct. 16, 2019) (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10 16 2019.pdf).



Ms. Jini Kim Chief Executive Officer Nuna Inc. 1826 William Penn Way Lancaster, PA 17601

Dear Ms. Kim:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges Nuna to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

Recently, the Consumer Product Safety Commission (CPSC) released the results of agency-commissioned biomechanical research, led by Erin M. Mannen, Ph.D., into the dangers associated with infant inclined sleep products. In examining how infants move and use their muscles in various sleepers, the Mannen Study found that "none of the inclined sleep products that were tested and evaluated as a part of this study are safe for infant sleep." These products had back angles greater than 10 degrees, like those your company offers. Citing the findings of the Mannen Study, the CPSC issued a statement advising that parents and caregivers should "[s]top using infant sleep products with inclined seat backs of more than 10 degrees."

Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge Nuna to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

Nuna must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. Nuna must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

Sincerely,

Marta L. Tellado President and CEO

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² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

³ 15 U.S.C. 2064(b); CPSC, Recall Handbook (Mar. 2012).

⁴ CR, "Inclined Sleeper Deaths Rise to 50 as Industry Continues to Sell the Products" (June 20, 2019; last updated Aug. 8, 2019) (online at: www.consumerreports.org/child-safety/inclined-sleeper-deaths-rise-to-50-as-industry-continues-to-sell-the-products).

⁵ CPSC, Memorandum on Supplemental Briefing Package on Infant Sleep Products at 15 (Oct. 16, 2019) (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10 16 2019.pdf).



Mr. Mark Messner President and Chief Executive Officer SUMR Brands 1275 Park East Drive Woonsocket, RI 02895

Dear Mr. Messner:

In light of strong evidence that infant inclined sleep products are inherently unsafe, including the revelation that these products are linked to at least 73 infant deaths, Consumer Reports urges SUMR Brands to immediately recall all its infant sleepers with an inclined back surface. Your removal of all infant inclined sleep products and accessories from the market is essential to keep babies safe, to live up to your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect companies to offer products that are safe, and to remove all hazardous products from the market. These steps are critical to ensuring consumer trust, especially when it comes to the safety of infants. However, today's marketplace fails in these responsibilities by allowing dangerous sleep products to remain on store shelves and in homes.

Recently, the Consumer Product Safety Commission (CPSC) released the results of agency-commissioned biomechanical research, led by Erin M. Mannen, Ph.D., into the dangers associated with infant inclined sleep products. In examining how infants move and use their muscles in various sleepers, the Mannen Study found that "none of the inclined sleep products that were tested and evaluated as a part of this study are safe for infant sleep." These products had back angles greater than 10 degrees, like those your company offers. Citing the findings of the Mannen Study, the CPSC issued a statement advising that parents and caregivers should "[s]top using infant sleep products with inclined seat backs of more than 10 degrees."

Any manufacturer with information reasonably supporting the conclusion that a consumer product "contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death" is required under federal law to immediately inform the CPSC, and is expected to work with the agency on a potential recall.³ The Mannen Study strongly indicates that all inclined sleep products and accessories are dangerous for infants and the CPSC is clear that they should not be used. We therefore urge SUMR Brands to take action right away to recall all its infant inclined sleepers and remove them from the market.

The CPSC took important steps last week toward a new paradigm, where safe infant sleep is non-negotiable. In addition to the statement it issued, the Commission voted unanimously to publish a proposal by agency staff—based in significant part on the findings of the Mannen Study—to ensure strong safety requirements are in place for all current and future infant sleep products. This proposed rule includes a prohibition on infant sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

SUMR Brands must acknowledge the dangers that inclined sleepers pose to infants and the significance of the CPSC's actions. The CPSC now recognizes the clear dangers of infant sleep at an incline, as established by expert research and the numerous tragedies that have occurred. SUMR Brands must do the same, and carry out recalls immediately—instead of waiting and thus leaving infants in danger and keeping parents and caregivers in the dark. We also urge you to publicly express your support for the pending CPSC rules.

Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request your response no later than November 11, 2019.

Sincerely,

Marta L. Tellado President and CEO

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² CPSC, "CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products" (Oct. 31, 2019) (online at: www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products).

³ 15 U.S.C. 2064(b); CPSC, Recall Handbook (Mar. 2012).

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⁵ CPSC, Memorandum on Supplemental Briefing Package on Infant Sleep Products at 15 (Oct. 16, 2019) (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts 10 16 2019.pdf).