



November 27, 2019

Mr. Robby Lipper, Owner
Mr. Ilan Lipper, Owner
Albee Baby
715 Amsterdam Avenue
New York, NY 10025

Dear Mr. and Mr. Lipper:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Albee Baby to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 Albee Baby to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

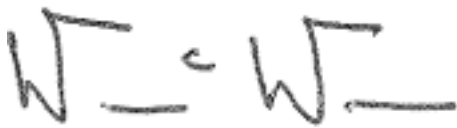
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. Albee Baby must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).

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



November 27, 2019

Mr. Jeff Bezos
CEO and President
Amazon.com Inc.
410 Terry Avenue, North
Seattle WA 98109-5210

Dear Mr. Bezos:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Amazon to immediately remove from its online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Retailers are required by federal law to act on information that reasonably supports 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."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 Amazon to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

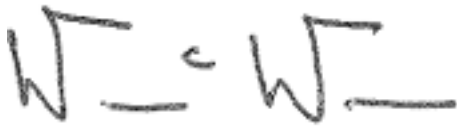
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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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. Amazon must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

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William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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November 27, 2019

Mr. Mark J. Tritton
President and Chief Executive Officer
Bed Bath & Beyond Inc.
650 Liberty Avenue
Union, NJ 07083

Dear Mr. Tritton:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Bed Bath & Beyond to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Retailers are required by federal law to act on information that reasonably supports 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."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 Bed Bath & Beyond to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

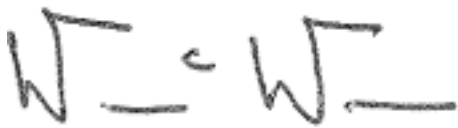
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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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. Bed Bath & Beyond must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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



November 27, 2019

Mr. Glen Cary
President
Buy Buy Baby
650 Liberty Avenue
Union, NJ 07083

Dear Mr. Cary:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Buy Buy Baby to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

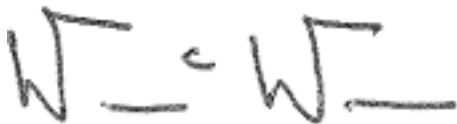
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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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. Buy Buy Baby must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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November 27, 2019

Mr. Jim Buckmaster
CEO
Craigslist, Inc.
1381 9th Avenue
San Francisco, CA 94122

Dear Mr. Buckmaster:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Craigslist to immediately remove from its online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Retailers are required by federal law to act on information that reasonably supports 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."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 Craigslist to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

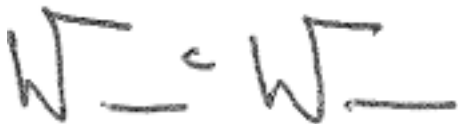
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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Thank you in advance for your prompt attention to these matters of life and death. In the interest of infant safety, we request a response no later than Wednesday, December 4.

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William Wallace
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Oriene Shin
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November 27, 2019

Mr. Scott Schenkel
Interim Chief Executive Officer
eBay Inc.
2145 Hamilton Avenue
San Jose, CA 95125

Dear Mr. Schenkel:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges eBay to immediately remove from its online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

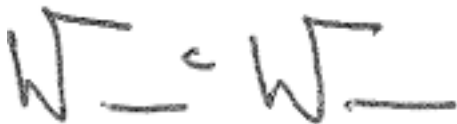
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William Wallace
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Oriene Shin
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November 27, 2019

Mr. Mark Zuckerberg
Founder, Chairman and Chief Executive Officer
Facebook, Inc.
1601 Willow Road
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Facebook to immediately remove from its online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

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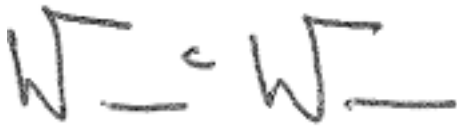
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William Wallace
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Oriene Shin
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November 27, 2019

Ms. Michelle Gass
Chief Executive Officer
Kohl's Corporation
N56 W17000 Ridgewood Drive
Menomonee Falls WI 53051

Dear Ms. Gass:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Kohl's to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

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Retailers are required by federal law to act on information that reasonably supports 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."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 Kohl's to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

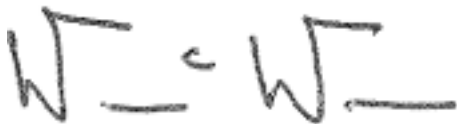
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. Kohl’s must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

Mr. Jeffrey Gennette
Chairman & Chief Executive Officer
Macy's Inc.
7 West Seventh Street
Cincinnati, OH 45202

Dear Mr. Gennette:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Macy's to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 Macy's to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

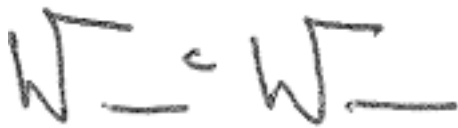
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. Macy’s must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

Mr. Eli Gurock, Owner
Ms. Sheri Gurock, Owner
Magic Beans
1 Westinghouse Plaza K
Hyde Park, MA 02136

Dear Mr. and Ms. Gurock:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Magic Beans to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 Magic Beans to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

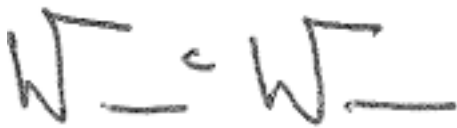
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. Magic Beans must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

Mr. Matthew Shay
President and CEO
National Retail Federation
1101 New York Avenue NW, Suite 1200
Washington, DC 20005

Dear Mr. Shay:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges the National Retail Federation (NRF) to call on its members to immediately remove from their store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As an industry fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 NRF to take action right away and call on its members to remove all inclined sleep products.

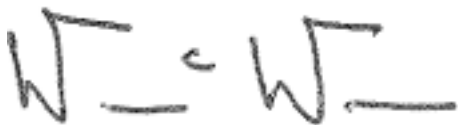
Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge your members to permanently remove all infant inclined sleep products from their inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. NRF must do the same, and ensure its members immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

Ms. Sandy Kennedy
President
Retail Industry Leaders Association
99 M Street SE, Suite 700
Washington, DC 20003

Dear Ms. Kennedy:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges the Retail Industry Leaders Association (RILA) to call on its members to immediately remove from their store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As an industry fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 RILA to take action right away and call on its members to remove all inclined sleep products.

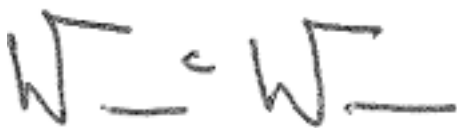
Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge your members to permanently remove all infant inclined sleep products from their inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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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. RILA must do the same, and ensure its members immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

Mr. Brian Cornell
Board Chairman and CEO
Target Corporation
1000 Nichollet Mall
Minneapolis, MN 55403

Dear Mr. Cornell:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Target to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

Last month, 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."¹ 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."²

Retailers are required by federal law to act on information that reasonably supports 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."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 Target to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

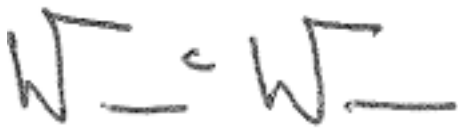
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. Target must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).

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



November 27, 2019

Mr. Doug McMillon
President and CEO
Walmart, Inc.
702 S.W. Eighth Street
Bentonville, AR 72716

Dear Mr. McMillon:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges Walmart to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Retailers are required by federal law to act on information that reasonably supports 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."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 Walmart to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

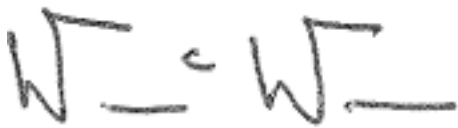
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

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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. Walmart must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).



November 27, 2019

X Cheung
President
You Are My Everything
212-01a 48th Avenue
Bayside, NY 11364

Dear Mr. Cheung:

In light of strong evidence showing that infant inclined sleep products are inherently unsafe and are linked to at least 73 infant deaths, Consumer Reports urges You Are My Everything to immediately remove from its store shelves and online marketplaces all infant sleepers with an inclined back surface. The removal of all infant inclined sleep products and accessories is essential to keep babies safe, to satisfy your responsibilities to your customers, and to minimize consumer confusion around safe infant sleep practices.

Consumers reasonably expect retailers and platforms to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and online marketplaces. However, today's retail market fails consumers when dangerous sleep products remain available. As a company fundamentally reliant on consumer trust, we urge you to take critical steps to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to safe sleep principles as recommended by organizations like the American Academy of Pediatrics.

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Retailers are required by federal law to act on information that reasonably supports 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."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 You Are My Everything to take action right away and remove all inclined sleep products.

Too many dangerous sleep products remain available and in use at homes and day care centers, and continue to put infants at risk. We strongly urge you to permanently remove all

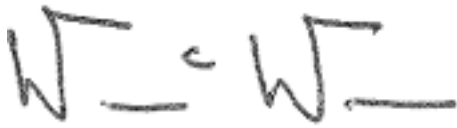
infant inclined sleep products from your inventory, including all such products marketed for “napping,” “resting,” or “snoozing,” and those that imply they are safe for just some subset of “sleep.” It is not enough for the products to specify that they are not to be used for “unsupervised,” “prolonged,” or “overnight” sleep. Implied safety associated with any kind of inclined sleeping poses a risk to infants.

The CPSC took important steps last month to guarantee that 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 inclined sleep products because surfaces with an incline of 10 degrees or less are the safest for sleep.

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. You Are My Everything must do the same, and immediately remove these products. 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 a response no later than Wednesday, December 4.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel

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).