



May 26, 2020

Daniel Zhang
Chairman and Chief Executive Officer
Alibaba Group
400 South El Camino Real
Suite 400
San Mateo, CA 94402

Dear Mr. Zhang:

Consumer Reports urges Alibaba Group to immediately remove from its websites all inclined products marketed for infant sleep. It has been more than a year since the recall of more than five million Fisher-Price and Kids II inclined sleepers associated with infant deaths. Today, inclined sleepers are linked to the deaths of at least 92 infants.¹ They are not safe for infant sleep, according to American Academy of Pediatrics recommendations,² a government-commissioned study,³ and the harrowing experiences of families nationwide. The removal of all infant inclined sleep products and accessories from the market is essential to minimize consumer confusion around safe infant sleep practices and help parents and caregivers keep their babies safe.

With several infant inclined sleepers still on the market, Consumer Reports has urged manufacturers, retailers, and online marketplaces to take strong action for their customers. Amazon, Buy Buy Baby, eBay, and Walmart all have committed to remove the products from their store shelves and websites.⁴ We now urge Alibaba Group to make the same commitment.

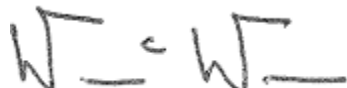
Consumers reasonably expect retailers and online marketplaces to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and websites. According to a 2019 Consumer Reports nationally representative survey, more than 90 percent of Americans say that “feeling a product or service is safe and will not cause them or their family members physical harm” is one of their high or top priorities.⁵ However, over the last year, some companies have attempted to keep infant inclined sleeper models on the market through minor marketing changes. These sleepers are rebranded as “loungers,” “rockers,” or similar products, but with little or no change to their design, and with confusing warning labels advising against using the product for “prolonged” or “unattended” sleep. This practice is fundamentally unreasonable and unacceptable because any duration of sleep at an incline puts babies at risk.

In CR’s investigation, we found many infant inclined products marketed for sleep on your websites, including products with photos showing infants sleeping at angles demonstrated to place them at a greater risk of suffocation. We urge Alibaba Group to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available

conform to American Academy of Pediatrics safe sleep recommendations. As you may know, 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.”⁶

Thank you in advance for your prompt attention. In the interest of infant safety, we request a response no later than Tuesday, June 2.

Sincerely,



William Wallace
Manager, Safety Policy



Oriene Shin
Policy Counsel

¹ Consumer Reports, “New Evidence Shows More Infant Deaths Tied to Inclined Sleepers Than Previously Reported” (Mar. 11, 2020) (online at: www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported).

² AAP safe sleep recommendations include that babies should be placed alone to bed on a firm, flat surface in their own space, with no extra bedding. AAP Task Force on Sudden Infant Death Syndrome, “SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment” (Nov. 2016) (online at: pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf).

³ Mannen EM. Biomechanical Analysis of Inclined Sleep. Tab B of CPSC Staff Supplemental Briefing Package on Infant Sleep Products. 2019 (online at: www.cpsc.gov/s3fs-public/SupplementalNoticeofProposedRulemakingforInfantSleepProducts_10_16_2019.pdf#page=91) at PDF p. 91.

⁴ Consumer Reports, “Buy Buy Baby and Walmart Join Amazon and eBay in Banning Infant Inclined Sleepers” (Dec. 5, 2020) (online at: www.consumerreports.org/child-safety/buy-buy-baby-and-walmart-join-amazon-and-ebay-in-banning-infant-inclined-sleepers).

⁵ Consumer Reports 2019 nationally representative survey of 1,006 U.S. adults, presented at 2020 ICPHSO Annual Meeting and Training Symposium (Feb. 20, 2020).

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



May 26, 2020

Jennifer Kellor
President of Pottery Barn Kids and PBteens
Williams-Sonoma, Inc.
3250 Van Ness Ave.
San Francisco, CA 94109

Dear Ms. Kellor:

Consumer Reports urges Pottery Barn Kids to immediately remove from its store shelves and website all inclined products marketed for infant sleep. It has been more than a year since the recall of more than five million Fisher-Price and Kids II inclined sleepers associated with infant deaths. Today, inclined sleepers are linked to the deaths of at least 92 infants.¹ They are not safe for infant sleep, according to American Academy of Pediatrics recommendations,² a government-commissioned study,³ and the harrowing experiences of families nationwide. The removal of all infant inclined sleep products and accessories from the market is essential to minimize consumer confusion around safe infant sleep practices and help parents and caregivers keep their babies safe.

With several infant inclined sleepers still on the market, Consumer Reports has urged manufacturers, retailers, and online marketplaces to take strong action for their customers. Amazon, Buy Buy Baby, eBay, and Walmart all have committed to remove the products from their store shelves and websites.⁴ We now urge Pottery Barn Kids to make the same commitment.

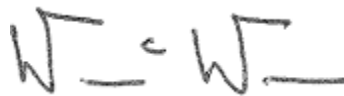
Consumers reasonably expect retailers and online marketplaces to ensure that all available products are safe, and any dangerous products are quickly removed from store shelves and websites. According to a 2019 Consumer Reports nationally representative survey, more than 90 percent of Americans say that “feeling a product or service is safe and will not cause them or their family members physical harm” is one of their high or top priorities.⁵ However, over the last year, some companies have attempted to keep infant inclined sleeper models on the market through minor marketing changes. These sleepers are rebranded as “loungers,” “rockers,” or similar products, but with little or no change to their design, and with confusing warning labels advising against using the product for “prolonged” or “unattended” sleep. This practice is fundamentally unreasonable and unacceptable because any duration of sleep at an incline puts babies at risk.

We have identified the Nuna Leaf Grow as available for sale on your website and marketed as safe for infant sleep. In CR's investigation, marketing materials for the Leaf Grow bouncer show an infant sleeping in this product, and warnings for the Leaf only caution against

"prolonged sleep," implying that this Nuna product is safe for certain durations of infant sleep. We urge Pottery Barn Kids to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to American Academy of Pediatrics safe sleep recommendations. As you may know, 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."¹

Thank you in advance for your prompt attention. In the interest of infant safety, we request a response no later than Tuesday, June 2.

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William Wallace
Manager, Safety Policy



Oriene Shin
Policy Counsel

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May 26, 2020

Edward Lampert
Chief Executive Officer
Transform SR Brands, LLC
3333 Beverly Road
Hoffman Estates, IL 60179

Dear Mr. Lampert:

Consumer Reports urges Sears and Kmart to immediately remove from their store shelves and websites all inclined products marketed for infant sleep. It has been more than a year since the recall of more than five million Fisher-Price and Kids II inclined sleepers associated with infant deaths. Today, inclined sleepers are linked to the deaths of at least 92 infants.¹ They are not safe for infant sleep, according to American Academy of Pediatrics recommendations,² a government-commissioned study,³ and the harrowing experiences of families nationwide. The removal of all infant inclined sleep products and accessories from the market is essential to minimize consumer confusion around safe infant sleep practices and help parents and caregivers keep their babies safe.

With several infant inclined sleepers still on the market, Consumer Reports has urged manufacturers, retailers, and online marketplaces to take strong action for their customers. Amazon, Buy Buy Baby, eBay, and Walmart all have committed to remove the products from their store shelves and websites.⁴ We now urge Sears and Kmart to make the same commitment.

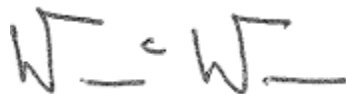
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In CR's investigation, we found that your Sears and Kmart marketplaces have third-party sellers listing infant inclined sleep products for sale. We urge Sears and Kmart to remove these products, to inform consumers of recalls, and to ensure that all infant sleep products made available conform to American Academy of Pediatrics safe sleep recommendations. As you may

know, 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.”⁶

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William Wallace
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