

*** American Academy of Pediatrics * Consumer Federation of America *
Consumer Reports * Kids In Danger * Public Citizen * U.S. PIRG Education Fund ***

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Office of the Secretariat
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 820
Bethesda, MD 20814

**Joint Comments to the Consumer Product Safety Commission on the
Proposed Agency Information Collection Activities:
Warning Label Comprehension and Interpretation by Consumers
for Children’s Sleep Environments
Docket No. CPSC-2020-0027**

Our coalition of medical and consumer organizations submits the following comments on the new proposed collection of information by the U.S. Consumer Product Safety Commission (CPSC) relating to warning label comprehension and interpretation by consumers for children’s sleep environments.¹ We support the proposed information collection, and specifically the CPSC’s intention to oversee a survey to evaluate consumer awareness of infant sleep product warning labels.

Infants are uniquely vulnerable to sleep-related injury or death in their early stages of development, when immature cardiorespiratory or arousal systems can lead to a failure of the protective responses that older children exhibit.² Because of these developmental differences, a sleeping environment that is safe for an older child can pose potentially fatal risks for infants. Accordingly, it is critical for all products that may be used for infant sleep to align with the AAP’s safe sleep recommendations to protect infants from injury and death, as well as to minimize confusion for parents and caregivers.

AAP’s evidence-based safe sleep recommendations note that babies should be placed alone to sleep in a crib, bassinet or play yard that meets current federal standards; on a firm, flat surface in their own space; with no restraints or extra bedding.³ Considering the inherent vulnerabilities of infants, it is essential for the CPSC to ensure that all existing and novel types of

¹ Consumer Product Safety Commission, “Proposed Agency Information Collection Activities: Warning Label Comprehension and Interpretation by Consumers for Children’s Sleep Environments” (Dec. 2020) (online at: www.federalregister.gov/documents/2020/12/21/2020-28078/agency-information-collection-activities-proposed-collection-comment-request-warning-label).

² Filiano JJ, Kinney HC. A perspective on neuropathologic findings in victims of the sudden infant death syndrome: the triple-risk model. *Biol Neonate*. 1994;65(3-4):194–197 pmid:8038282.

³ Moon RY, AAP Task Force on Sudden Infant Death Syndrome. SIDS and other sleep-related infant deaths: evidence base for 2016 updated recommendations for a safe infant sleeping environment. *Pediatrics*. 2016;138(5):e20162938 (online at: pediatrics.aappublications.org/content/pediatrics/138/5/e20162938.full.pdf); Moon, RY. “How to Keep Your Sleeping Baby Safe: AAP Policy Explained” (Dec. 2020) (online at: healthychildren.org/English/ages-stages/baby/sleep/Pages/A-Parents-Guide-to-Safe-Sleep.aspx).

products associated with infant sleep align with AAP’s recommendations, both in how they are designed and in what messages are communicated to parents and caregivers about them. Unfortunately, some juvenile product manufacturers continue to design products that contradict these expert recommendations, which communicates a muddled message for parents and caregivers and ultimately puts infants at risk.⁴

One approach that juvenile product manufacturers take toward sleep-related hazards is to use warning labels to communicate about a hazard to parents and caregivers. While useful, this approach is insufficient and should not be prioritized as the principal means of communication to parents and caregivers. Best practices for public health include promoting a safety hierarchy that prioritizes product design that eliminates the hazard, before using guards or shields that separate the consumer from the hazard or warning against the hazard.⁵ Companies and the CPSC should not expect warnings to be effective in changing behavior that has been modeled previously by others or is intuitive. While warning labels should never be used as a substitute for safe product design, they can help parents and caregivers be better informed about potential dangers as a “last resort.”⁶

When they are used, warning labels should always send clear, conspicuous, and consistent messages to parents and caregivers, especially around safe infant sleep. A clear message such as “Bare is Best” is easy to understand and follow. Even as our organizations consistently call for clearer messaging that aligns with safe infant sleep principles, some companies continue to weaken and muddle the AAP and the CPSC’s recommendations for safe infant sleep by using terms such as “attended sleep,” “unattended sleep,” and “prolonged sleep” in warning labels.⁷ As a result, well-meaning parents and caregivers, and especially new parents or grandparents, may unwittingly stray away from safe sleep practices and put infants at risk while still thinking they are doing what is recommended and what is safe.

In summary, the undersigned organizations support the CPSC’s proposed survey, which we expect will provide helpful insight into consumer comprehension and interpretation of warning labels, and enable the CPSC to work more readily to reduce the incidence of infant sleep-related deaths and injuries. The survey’s findings also could help ensure clearer messaging

⁴ See, e.g., Baby Delight, “Snuggle Nest™ Dream/Harmony User Manual” (accessed Feb. 12, 2021) (online at: mk0babydelightbwx00d.kinstacdn.com/wp-content/uploads/2020-7-21_SuggleNest-IB.pdf); CubbyCove, “CubbyCove Classic -- The Truly Breathable Baby Lounger -- Portable Nest for Cosleeping, Tummy Time and Playing” (accessed Feb. 12, 2021) (online at: www.amazon.com/CubbyCove-Breathable-Lounger-Portable-Cosleeping/dp/B072MKNKWSG).

⁵ Robert S. Adler and Andrew F. Popper, “The Misuse of Product Misuse: Victim Blaming at Its Worst” 10 Wm. & Mary Bus. L. Rev. 337, 362 (Feb. 2019) (online at: scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1166&context=wmbldr); Marc Green, “Safety Hierarchy: Design versus Warnings” (accessed Feb. 12, 2021) (online at: www.visualexpert.com/Resources/safetyhierarchy.html).

⁶ *Id.*

⁷ See AAP, CFA, CR, KID, Public Citizen, U.S. PIRG Education Fund, “Joint letter to CPSC supporting safety standard for infant sleep products” (Apr. 2020) (online at: advocacy.consumerreports.org/wp-content/uploads/2020/04/Joint-letter-to-CPSC-on-infant-sleep-products-safety-standard-4-13-2020.pdf); See also, e.g., Fisher-Price, “Sweet Snugapuppy Dreams Cradle ‘n Swing User Manual” (accessed Feb. 12, 2021) (online at: m.media-amazon.com/images/I/A1Qm1C6kM1L.pdf).

to parents and caregivers about safe infant sleep, which would improve their understanding of what constitutes a safe sleep environment. At the same time, we stress that warning labels should not be used as substitutes for safe product design. Rather, warning labels should supplement and reinforce safe sleep principles.

Thank you for your consideration of our comments. We look forward to continuing to work with the CPSC and all stakeholders to ensure safe sleep environments for all infants.

Respectfully submitted,

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