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## **STILL NOT SAFE**

### **Recalls continue to escalate as CU calls for more marketplace surveillance and consumer awareness**

**A report by Consumers Union, publisher of *Consumer Reports*  
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Earlier this year, Consumers Union reported on the alarming number of product recalls announced by the U.S. Consumer Product Safety Commission (CPSC) as the marketplace was besieged by unsafe toys and other products. More than 25 million toys were recalled last year alone due to hazardous lead paint; harmful, tiny magnets; toxic chemicals, and other dangers. The recalls prompted national attention. Congress went to work drafting new legislation that would require sweeping CPSC reform and set tough standards for the makers and sellers of children's products. On August 14<sup>th</sup>, that legislation—the Consumer Product Safety Improvement Act (CPSIA) of 2008—was signed into law.

But CU is raising the caution flag once more. The record 473 recalls announced for all product categories last year was smashed by this year's recall announcements – 563 in all. In total, more than 43 million products were recalled between October 1, 2007 and September 30, 2008, according to our analysis. The problem is that many of the major provisions of the CPSIA intended to make the marketplace safer don't go into effect until next year or later. For example, tighter restrictions on the use of lead in children's products don't go into effect until February 10, 2009. And some safety standards for durable nursery products won't go into effect for several years from now. While new laws are certain to have a long-term, positive affect on product safety; for this holiday season, the marketplace is still not safe.

Last year's huge toys recalls from large manufacturers such as Mattel/Fisher-Price and RC2, have significantly decreased this year. However, problems with imported products remain a major concern. Nearly 97 percent of all recalled products were foreign made; 81 percent came from China. This is a clear indication that we need better surveillance by the CPSC to ensure that unsafe product don't make their way through our ports and into our stores. Manufacturers, suppliers, and retailers need to continuously check the

safety of the products they sell, and consumers need to stay on top of safety recalls by going to [www.recalls.gov](http://www.recalls.gov).

### **Recalls are not the long-term solution**

Although the CPSC has argued that the large number of recalls is an indication that they are doing their job at keeping the marketplace safe, recalls are not the answer. Unfortunately, recalls only catch dangerous products after they have already entered the marketplace, our homes and our children's toy boxes. The real solution involves making certain that manufacturers, importers, and retailers adequately test their products *before* they get to the market to ensure that they are safe for consumers, and penalizing those who do not comply with CPSC's safety rules.

### **Need for marketplace surveillance**

Manufacturers are currently scrambling to test their products to make sure they are in compliance with the new CPSIA regulations once they take effect. And while the CPSC is feverishly working to implement the new regulations, they can only enforce the safety rules that are currently in place. On November 12<sup>th</sup>, manufacturers of CPSC-regulated products were required to begin providing certificates attesting that the products entering the market comply with existing regulations. Based on the large number of recalled products that violate CPSC's current rules, enforcement is a critical element for a safer marketplace. Without additional funding, enforcement of new rules under the CPSIA will be even more of a challenge to the CPSC as they currently lack the staff to provide thorough marketplace surveillance.

### **Some retailers seek early compliance with CPSIA**

In an effort to protect their own business interests and help restore consumer confidence in the safety of the products on their store shelves, many retailers have ramped up their testing programs. Some retailers have already established tougher standards that meet or exceed the requirements of future regulations. Last year, Wal-Mart implemented their Toy Safety Net program, which ramps up the testing requirements for toys. Toys "R" Us developed a similar program that includes their own rigorous design standard for cribs. Not all retailers have the resources, the clout with their suppliers, or the will to require such testing programs. But in the absence of their own testing program, retailers of any size should insist on seeing the manufacturers' compliance certificates to make sure the products they sell, at the very least, meet current government regulations. There is also no reason that all retailers can't follow the lead of Toys "R" Us and Wal-Mart and insist that their suppliers begin today to meet the tougher safety standards of the future.

Each link in the supply chain – manufacturers, importers, and retailers – must own the responsibility for ensuring that the goods they bring to the market are safe for consumer use. But by using their marketplace clout, the large retailers are helping to ensure that suppliers and manufacturers are providing safe products to sell to consumers.

## **Risky business**

In economic hard times, consumers seek bargains by shopping in dollar stores, consignment shops, and through web sites such as eBay or Craigslist. That can be risky. It's not uncommon to find substandard products in dollar stores, which may be why there have been many recalls issued by dollar stores over the past year. Buying used from consignment shops or web sites has its own risks. Those outlets sometimes offer products for sale that have been recalled. The CPSIA now makes that practice illegal. If you do shop for bargains, be careful, and check [www.recalls.gov](http://www.recalls.gov) to make sure the products you are considering has not been recalled.

## **Recalls data analysis**

We analyzed the CPSC recalls announced over the agency's 2008 fiscal year, which spans October 1, 2007 to September 30, 2008. We used the recall press releases posted on the CPSC's web site to record the date of the recall, the company involved, the product type, the target use of the product (whether general purpose or children's product), the hazard, the country of origin, the number of units sold, and any deaths or injuries associated with the recalled products. We recorded 478 recall notices posted by the CPSC during their 2008 fiscal year. However, in their quarterly recalls report, the CPSC cited 563 recalls during the same time period; 85 more than what we found cataloged on their web site. When asked about the discrepancy and why not all the recalls were made public, the CPSC said that not all recalls reach a level that requires public notification. We were told that many of these undisclosed recalls are for "de minimus" violations of government standards, such as use of the wrong font on warning labels, or products that never reach the hands of consumers. Consumers Union has filed a Freedom of Information Act request to see the details of those recalls that have not been made public.

## **Major Findings of Recall Analysis**

Consumers Union has analyzed all product recalls publicly announced by the CPSC from October 1<sup>st</sup>, 2007 through September 30<sup>th</sup>, 2008. Consumers Union finds that:

- Hazardous products continue to enter the U.S. marketplace at an alarming rate. During their 2008 fiscal year (10/1/07 – 9/30/08) the CPSC tallied 563 recalls. That represents a 19 percent increase over last fiscal year. In total, according to our analysis, there were more than 43 million products recalled during this time period.
- Imports, especially from China, continue to be a problem. Eighty-one percent of all products recalled were Chinese made (including a few made in Hong Kong). Imports accounted for nearly 97 percent of all products recalled.

- Recalls of products intended for children continue to be alarming. Children's products, including toys, nursery products and clothing, were the subject of half of all recall notices but accounted for two-thirds (nearly 29 million) of all products being recalled.
- The massive recalls that tainted the Mattel, Fisher-Price, and RC2 toys brands did not recur this year. Compared to the nearly 20 million toys recalled for these brands last year, they recalled less than 500,000 products collectively this year.
- Three dollar stores, Dollar General, Dollar Tree Stores, and Family Dollar issued 12 recalls collectively for a variety of low-cost, hazardous goods, accounting for almost 3 million products. That's equivalent to 6.5 percent of the total number of recalled products, and more than three times the amount these three retailers recalled collectively last year.
- A broad range of hazards triggered CPSC recalls of products in this period, including high lead levels (such as paint used on toys or for children's metal jewelry), fire hazards (such as with candles or electric appliances), fall hazards (such as with bicycles), strangulation hazards (such as from drawstrings on clothing), and choking hazards (such as with pacifiers and rattles).
- More recalls were issued for lead than for any other hazard. There 121 recalls announced for more than 12.2 million lead-laden products. Almost all the lead recalls were for toys and other product intended for children. This punctuates the need for the CPSC to hold steadfast on their February 10, 2009 deadline date for getting lead-laden children's products off store shelves.
- According to the issued recall notices, there were more than 500 reported injuries and 6 deaths associated with the recalled products. Three deaths were due to hazardous furniture – an entertainment center that collapsed, a children's storage rack that tipped over, and a youth bed whose toy chest lid fell and strangled a toddler. Two deaths were from strangulation and entrapment in Simplicity bassinet/bedside sleepers, and one death was due to entanglement and strangulation in a soccer goal net.
- Oddly, the recalled product that caused the most injuries was a tomato planter/stand sold by QVC. Collapsing stands caused 155 reported injuries including laceration, broken toes and bruises before it was recalled. This single product accounted for 30 percent of the total injuries reported in the all product recall notices.
- The largest recall of the time period was for 4.2 million Aqua Dots by Spin Master. A chemical used for the glue in this arts-and-crafts toy could cause children to become comatose, develop respiratory depression, or have seizures if beads with the glue are ingested.

- Aside from toys, certain types of products seem to be subject to frequent recalls. Children's jewelry, ATVs, bicycles and their components, children's sweatshirts, and cribs and their accessories have been subjects of at least 10 recalls each during the period we examined.
- The company that had the most recalls was American Honda Motor Co., who recalled three ATVs, three lawn mowers, and a log splitter. Polaris Industries was a close second with three recalls for ATVs, two for snowmobiles, and one for a utility vehicle.

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