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Special Consumer Product Safety Act provision hides dangerous products

It was only by accident that *Consumer Reports* learned of 19 infant deaths related to a defective product sold as an infant sleeper. Further research turned up an additional 13 fatalities known to be related to use of the Fisher-Price Rock 'n Play Sleeper and similar products from other manufacturers.

The record of infant deaths was in the government product safety records. But it only came to light when the Consumer Product Safety Commission provided a report that accidentally failed to hide this information. Within days after this information became public and at the urging of the American Academy of Pediatrics, CPSC announced a recall of the infant sleepers.

The CPSC is charged with protecting the public from unreasonable risks of injury or death from thousands of products such as toys, cribs, power tools and other household products that pose a fire, electrical, chemical or mechanical hazard. It is against the law to sell any product that has been voluntarily recalled by the manufacturer or by order of the CPSC.

However, a special provision of the Consumer Product Safety Act, Section 6(b), allows a company to



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keep secret from the public any link between its product and injuries or fatalities related to that product. Manufacturers can keep unsafe products on the market without public knowledge, putting more lives at risk.

The argument for adding this special protection for manufacturers was that a company's reputation could suffer if it didn't have a chance to review and amend the agency's report about product safety before that information became public.

The law does even more to protect manufacturers. It allows a company to have its name blacked out and to

have a say in the amount of information released about the product. While the manufacturer is negotiating with CPSC on what information can be released, the public remains in the dark about dangerous products.

Even when the CPSC announces a recall, the manufacturer can direct how much information is released to the public, as well as the wording used to describe the defect.

These special rules don't apply to other federal agencies. The Food and Drug Administration and National Highway Traffic Safety Administration can recall unsafe products from the market and provide product safety information to the public without interference or approval from the company responsible for the unsafe product.

Public access to safety records about products gives consumers the information they need to make better choices for themselves and their families. You can find information on product safety and recalls on the commission's website at www.cpsc.gov. To report a dangerous product or a product-related injury, call the CPSC Hotline at 800-638-2772.