



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
 Commissioner Thomas H. Moore

ITEM:

Graco Children's Products, Inc. \$4,000,000 Civil Penalty Settlement
(Briefing package dated March 17, 2005, OS No. 5211)

DECISION:

The Commission voted unanimously (2-0) to provisionally accept a Settlement Agreement and Order, which would order Graco Children's Products, Inc. (Graco), to pay a civil penalty of \$4,000,000. The Commission Compliance staff alleged ten violations involving sixteen products where Graco failed to timely report defects to the CPSC, including Century Infant Seat/Carrier, Graco High Chair, Graco Carrier/Cradle Swings, Graco Travel Lite Swing ("Low rider" swing design), Graco Toddler Beds, Graco Portable Play Yard, Graco Duo Strollers, Graco Metrolite Strollers, Graco Traditional Infant Swings (Three design types), and Century Strollers/Travel System (Five designs). While the defects and sequence of events for each of these matters is different, in all cases, Graco or Century either failed entirely to report defects to the Commission, or failed to report them in a timely manner, and the defects in the juvenile products could create a substantial product hazard and an unreasonable risk of serious injury or death to young children. The Compliance staff has negotiated a proposed agreement of \$4,000,000 to settle the allegations that Graco violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due March 21, 2005