



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

This is a DRAFT RCA.
It will be replaced by a Final RCA.

Commissioners Voting: Chairman Inez M. Tenenbaum
 Commissioner Nancy A. Nord
 Commissioner Robert S. Adler

ITEM:

Recommendation for Administrative Complaint against Baby Matters LLC
(Briefing package dated November 30, 2012, OS No. 3518)

DECISION:

The Commission voted unanimously (3-0) to authorize issuance of the draft Complaint with changes against Baby Matters LLC, seeking mandatory remedies under Section 15 of the Consumer Product Safety Act and section 15 of the Federal Hazardous Substances Act with regard to the safety risk presented by its infant recliner products, Nap Nanny® and Nap Nanny Chill™. Commissioner Nord issued the attached statement regarding the issue.

For the Commission:

Todd A. Stevenson
Secretary

* Time Critical Ballot vote due December 4, 2012
(By Commission agreement the due date was extended from December 3, 2012.)

Attachment: Statement of Commissioner Nord



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4330 EAST WEST HIGHWAY
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COMMISSIONER NANCY A. NORD

**Statement on the Commission's vote to issue an
administrative complaint against Baby Matters, LLC**

December 5, 2012

The Commission has voted to issue an administrative complaint against Baby Matters, LLC, the manufacturer of the Nap Nanny, an infant recliner. My heart goes out to the parents and families of children who are injured or lose their lives in incidents associated with consumer products. Yet not every incident that occurs in the presence of a product was necessarily caused by that product. Properly identifying and addressing a causal link is a key responsibility of the Commission. I joined my colleagues in voting to issue the complaint because I believe that the legal theory described in the complaint concerning the reasonably foreseeable misuse of Baby Matters' products deserves a thorough vetting by an administrative law judge. This concept remains nebulous and incompletely defined even as the agency has dealt with it over the years. Should this case come up for the Commission's consideration, I look forward to reviewing the facts and considering the legal arguments of all parties.