



## U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY  
BETHESDA, MARYLAND 20814-4408

### Record of Commission Action Commissioners Voting by Ballot\*

Commissioners Voting:      Chairman Inez M. Tenenbaum  
   Commissioner Thomas H. Moore  
   Commissioner Nancy A. Nord  
   Commissioner Anne M. Northup  
   Commissioner Robert S. Adler

### ITEM:

Ms. Bubbles, Inc. - Proposed Civil Penalty Settlement of \$40,000.00  
(Briefing package dated February 4, 2011, OS No. 4258)

### DECISION:

The Commission voted (5-0) to provisionally accept the Settlement Agreement and Order, which would order Ms. Bubbles, Inc., to pay a civil penalty of \$40,000.00. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission's Office of General Counsel Compliance Division staff negotiated the proposed agreement as part of its Drawstring Small Penalty Program. The agreement settles the staff's allegations that Ms. Bubbles, Inc., violated the reporting requirements of section 15(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2064(b), by importing for sale girl's denim jackets with a terrycloth underlay with drawstrings that posed a risk of strangulation to children and knowingly failed to immediately inform the Commission about the jackets as required by the CPSA. 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).

Commissioner Nord issued the attached statement regarding the matter.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson  
Secretary

\*Ballot vote due February 10, 2011



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STATEMENT OF COMMISSIONER NANCY NORD  
ON THE VOTE TO APPROVE THE PROPOSED CIVIL PENALTY SETTLEMENT  
FOR MS. BUBBLES, INC.  
February 10, 2011

While I am voting to approve the proposed civil penalty settlement for Ms. Bubbles, Inc., I do so with some reservation. This settlement highlights my continuing concern that the agency needs to promulgate a rule with respect to drawstrings on children's clothing rather than just continuing to address this risk on an ad hoc enforcement basis.

Due to the press of CPSIA business, action on the agency's proposed Section 15(j) rule addressing the drawstring hazard has not been finalized. I believe that this delay in clearly setting out the rules of the road does real disservice to apparel manufacturers, importers and retailers and, ultimately, to consumers.

I strongly urge that this issue move up the queue so that a vote can be scheduled. It is an important issue that needs to be finalized so industry and consumers are officially on notice about the serious consequences of this hazard.