



## 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 Nancy A. Nord  
   Commissioner Anne M. Northup  
   Commissioner Robert S. Adler

### ITEM:

E&B Giftware, LLC. – Proposed Civil Penalty Settlement of \$550,000.00  
(Briefing package dated December 9, 2011, OS No. 3240)

### DECISION:

The Commission voted unanimously (4-0) to provisionally accept the attached Settlement Agreement and Order, which would order E&B Giftware, LLC, (“E&B”) to pay a civil penalty of \$550,000.00, of which \$50,000.00 to be suspended, as specified. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission’s Office of General Counsel Compliance Legal Division staff negotiated the proposed agreement to settle staff allegations that E&B’s subsidiary, EB Brands, LLC (“EB”) knowingly violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (“CPSA”), 15 U.S.C. § 2064(b). EB failed to report in a timely manner a defect in its rubber exercise balls. 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:

A handwritten signature in black ink that reads "Todd A. Stevenson".

Todd A. Stevenson  
Secretary

\*Ballot vote due December 16, 2011