



United States
Consumer Product Safety Commission

CPSC FOIA 19-F-00215

Production Part I of III

pp 1-255 of 765

MFR/PRVLBR NOTIFIED

Am 9/18/13

COMMENTS: ☒ YES ☐ NO
☐ OVERRULED; ☐ ATTACHED

☒ EXCISIONS/FOIA EXS. 3, 4, 5, 6(a), (b)(1)

☐ DO NOT RE-NOTIFY ☒ RE-NOTIFY

CONTENTS OF FILE

CASE NO. CA120159

Fisher-Price Rock-N-Play Sleeper

(b)(4); (b)(3); CPSA Section 6(a)

(b)(4); (b)(3); CPSA Section 6(a)

2. **Consumer Contact:** Include the toll-free 1-800 number, time period and website address for consumers.
3. **Description:** Include the number of patterns and color palettes in which all RNP Sleepers are sold.
4. **Remedy:** Include the website address at which consumers can find cleaning and care instructions.
5. **Sold at:** Include the big box stores nationwide in which the RNP Sleepers are sold. On a list not to be included on this press release, include small boutiques at which these are sold. Also include online locations at which products are sold. Include if all models have been sold to date by inserting November 2012 after "to".
6. **Photos:** See instructions re jpgs to submit.

If you have any questions please feel free to contact me. Our offices will be closed for the national holiday, Veteran's Day, on Monday. We look forward to your response on Tuesday.

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Moore, Kelly
Sent: Friday, October 19, 2012 9:52 AM
To: Pilarz, Kitty
Cc: Schoem, Marc; Murphy, Mary; Dan.Dzialga@Fisher-Price.com; Tarnoff, Howard; Nelson, Theresa
Subject: RE: Rock and Play Sleeper

Kitty,

(b)(4); (b)(3);CPSA Section 6(a)

Best regards,
Kelly

Kelly M. Moore
Trial Attorney
Acting Team Lead, Children's Safe Sleep Team
Office of the General Counsel, Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Hwy, Room 703H

Bethesda, MD 20814
(301) 504-7447

From: Pilarz, Kitty [<mailto:Kitty.Pilarz@Fisher-Price.com>]
Sent: Friday, October 12, 2012 9:43 AM
To: Moore, Kelly; Nelson, Theresa
Cc: Schoem, Marc; Murphy, Mary
Subject: FW: Rock and Play Sleeper

Dear Kelly and Terri,

Here is our communication plan.

(b)(4); (b)(3);CPSA Section 6(a)

(b)(4); (b)(3) CPSC Section 6(a)

- 1.
- 2.
- 3.
- 4.

Best regards, Kitty

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052
716-687-3343

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(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act



Consumer Product Safety Commission

Bethesda, Maryland 20814

4330 East West Highway

MEETING ATTENDANCE RECORD

Date:

8/14/2012

Project:

Fisher Price Rock N Play Sleeper

Location:

CPSC #834

Purpose:

firm + CPSC staff

Name (PLEASE PRINT)	Organization	Phone	Fax	E-mail
Jeffi Nelson	CPSC			
Joyce Thomas	CPSC			
Renae Raudenbush	CPSC	301 504 7664 301 504 7659	301 504 0359	rraudenbush@cpsc.gov
Kelle Moore	CPSC	301 504 7447		kmoores@cpsc.gov
Jeanne Matheson	CPSC	301 504 7643	301 504 0079	jmatheson@cpsc.gov
Lois Saltzman	CPSC	(301) 504 7238	(301) 504 0079	lsaltzman@cpsc.gov
Hilly Pilant	Fisher Price			
Ron Gots	F. Price (ICTM)			
DAVID KOSNOFF	MATTEL (Fisher-Price)			
Cheryl Posenbi	Goldberg Sealla LLP			
DANIEL DENICO	Fisher Price			
Mary Murphy	CPSC	301 504 7809		mmurphy@cpsc.gov
Bob Ockman	CPSC	301 504 7686		rocksmann@cpsc.gov

(b)(6)

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information Act

Nelson, Theresa

From: Cheryl Possenti <cpossenti@goldbergsegalla.com>
Sent: Monday, August 13, 2012 5:56 PM
To: Moore, Kelly
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc; Murphy, Mary; Nelson, Theresa; Thomas, Treye
Subject: Re: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi Kelly,

Thank you for your email.

(b)(4), (b)(3):CPSA Section 6(a)

Cheryl

Confidential Treatment Requested:
Submitted Under Section 15(b)

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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Privileged Attorney-Client Communication / Attorney's Work Product

On Aug 13, 2012, at 2:57 PM, "Moore, Kelly" <KMoore@cpsc.gov> wrote:

Cheryl,

(b)(4), (b)(3):CPSA Section 6(a)

Best regards,
Kelly

Nelson, Theresa

From: Cheryl Possenti [cpossenti@goldbergsegalla.com]
Sent: Monday, July 23, 2012 3:48 PM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi, Terri,

Per your request, in addition to Dr. Gots and me, the following people will be attending the meeting on Tuesday, August 14, 2012 at 1:30 p.m.

David M. Kosnoff
Vice President
Product Quality & Regulatory Compliance
Mattel, Inc

Kitty Pilarz
Senior Director
Mattel Product Safety

Daniel A. Dzialga, Esq.
Senior Counsel
Fisher-Price, Inc.

Would you please let us know the members of the CPSC staff who will be attending?

Thank you very much.

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*



GOLDBERG SEGALLA

New York · London · Philadelphia · Princeton · Hartford · Buffalo
Rochester · Syracuse · Albany · White Plains · Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Monday, July 23, 2012 11:35 AM
To: Cheryl Possenti; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Cheryl,

We look forward to meeting with you and staff from the firm, on Tuesday, August 14th at 1:30 pm. Our staff will be available at the meeting for Dr. Got's presentation. Could you please send me a list of individuals and their titles who will be in attendance from the firm?

Thanks, Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Cheryl Possenti [mailto:cpossenti@goldbergsegalla.com]
Sent: Monday, July 23, 2012 10:26 AM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi Terry,

Thank you very much. We would be able to meet at 1:30 p.m. on Tuesday, August 14, 2012, if that is convenient for you and the other staff members.

(b)(4); (b)(3)-CPSA Section 6(a); (b)(3)-CPSA Section 6(b)

We look forward to meeting with you and other members of the staff to share this information and to discuss these issues.

Best regards,

Cheryl



New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444 / FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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From: Nelson, Theresa [<mailto:TNelson@cpsc.gov>]
Sent: Wednesday, July 18, 2012 11:07 AM
To: Cheryl Possenti; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Cheryl

Our staff would prefer to meet with you and your staff on Tuesday, August 14th in the afternoon after 1:00 pm (EST). Please let me know an exact time and we will plan accordingly.

We plan to postpone our Preliminary Determination Panel until after our meeting with you on that date. Can you email me a copy of Dr. Got's additional study which you plan to present, for our review prior to the meeting?

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]
Sent: Monday, July 16, 2012 4:01 PM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan
Subject: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi, Terry, Kelly and Trey,

Attached is a letter that is being sent by fax and overnight mail. We look forward to hearing from you.

Best regards,

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*



New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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Privileged Attorney-Client Communication / Attorney's Work Product

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of the Freedom of Information Act

Nelson, Theresa

F. Price March 8

Subject: Conf.Call with Fisher Price - mold re Rock N Play sleeper Rm715
Location: Rm 715

Start: Thu 3/8/2012 3:00 PM
End: Thu 3/8/2012 4:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Nelson, Theresa

Required Attendees: Thomas, Treye; Moore, Kelly; Johnson, Dominique; Matheson, Joanna; Kameros, Andrew; Wana-Nakamura, Suad; Tarnoff, Howard; Schoem, Marc

(b)(6)

The purpose of this meeting is two-fold:



Ltr to K Moore T
 Nelson T T...

(b)(4), (b)(3) CPSA Section 6(a)

1)

2)

Terri

Call with Fisher Price -
 Kitty Palmy - Darrel K.
 Dr Dots - Dan
 Cheryl Possenti.

Treye
 Joanna
 Dominique

Andy
 Moore
 Kelly

(b)(5)

Nelson, Theresa

Subject: Rock N Play Sleeper call w/FP
Location: 715

Start: Mon 2/27/2012 2:00 PM
End: Mon 2/27/2012 3:00 PM

Recurrence: (none)

Meeting Status: Accepted

Status call after from meeting here

Organizer: Moore, Kelly

Required Attendees: Nelson, Theresa; Schoen, Marc; Thomas, Treye

Optional Attendees: Tarnoff, Howard; Murphy, Mary

bConference: 0

Call Handling Mode: 6

CallHandleReminderEnable: 0

CallHandlingCanceled: 0

strInviteCode: Participant

*FP participants - Kitty Pilay
 Cheryl P. & Don D.*

When: Monday, February 27, 2012 2:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: 715

PARTICIPANTS - To Join Meeting

Dial appropriate Access Number

(b)(6)

Press 1 to "Attend the Meeting"

Enter

(b)(6)

Press #

2/27-

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MEETING ATTENDANCE RECORD

Date: 2-16-2012

Project: Fisher Price Lock N Play Sleigher

Location: CPSC - Bethesda, MD

Purpose: meeting with Fisher Price staff

[illegible]

Fisher Price - CPSC 2/16/12

Name	Firm	Phone #
JIM WALTER	MATTEL	<div style="border: 1px solid black; width: 100%; height: 100%; text-align: center; vertical-align: top; padding: 5px;">(b)(6)</div>
Kitty Pikart	Mattel	
DAVID KOSNOFF	MATTEL	
Cheryl Possenti	Goldberg Segalla LLP	
RONALD E. GOTS	ICM	
DANIEL DZIALGA	MATTEL	
Dominique Johnson	CPSC/HS	x7597
Trey Thomas	CPSC	X 7738
Jenni Nelson	CPSC	X 7509
Kelly Moore	CPSC	x7447
Howard Tarnoff	CPSC	X 7559
MARC Schoen	CPSC	301547520
Joanna Matheson	CPSC/HS	x7043
Mary Krug	OGC CPSC	x 7809

Fisher-Price meeting
Weds., 1/11/2013 @ 2:30 pm
Terri Nelson, Compliance Officer

Name of Product:

Number of Units:

Issue/Problem:

1.

2.

1.

2.

*Number of Incidents/Injuries:

1.

2.

1.

2.

3.

Original product –

Technical Staff (PSA) conclusions:

•

•

Next Steps (pursue/close):

•

Jan 9-

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

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(b)(5)

of the Freedom of Information Act

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(b)(5)

of the Freedom of Information Act

Nelson, Theresa

From: Pilarz, Kitty [Kitty.Pilarz@Fisher-Price.com]
Sent: Wednesday, December 21, 2011 5:14 PM
To: Nelson, Theresa
Cc: Thomas, Treye; Moore, Kelly
Subject: RE: CPSC Rock N Play Sleeper - mold issue

Hi Terri,

Please use this call in information:

PARTICIPANTS - To Join Meeting

Dial appropriate Access Number (b)(6)

Press 1 to "Attend the Meeting"

Enter (b)(6)

Press #

State your name

Press #

I will be joined by Jerry Miller and Cheryl Possenti, our attorney from Goldberg Segalla. Dan is not available for the call.

Kitty Pilarz
 Senior Director, Mattel Product Safety
 Fisher-Price
 636 Girard Avenue
 East Aurora, New York 14052

(b)(6)

From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Wednesday, December 21, 2011 4:02 PM
To: Pilarz, Kitty
Cc: Thomas, Treye; Moore, Kelly
Subject: RE: CPSC Rock N Play Sleeper - mold issue

Kitty

Yes, 11:00am (ET) tomorrow is fine for the conference call. Do you want to send us a call in number? Both Kelly Moore and Treye Thomas will be in on the call as well.
 Also, how is the report being sent today?

Thanks, Terri

From: Pilarz, Kitty [mailto:Kitty.Pilarz@Fisher-Price.com]
Sent: Wednesday, December 21, 2011 1:35 PM
To: Nelson, Theresa; Moore, Kelly
Cc: Dzialga, Dan
Subject: RE: CPSC Rock N Play Sleeper - mold issue

Hi Terri,

We will be sending our report to you today. Would you be available at 11:00 tomorrow for a conference call?

Best regards, Kitty

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052
716-687-3343

From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Friday, December 09, 2011 1:48 PM
To: Pilarz, Kitty; Moore, Kelly
Cc: Dzialga, Dan
Subject: RE: CPSC Rock N Play Sleeper - mold issue

Thanks Kitty - We'll look forward to your report and the conference card. We will contact Dan after Monday.

Terri

From: Pilarz, Kitty [Kitty.Pilarz@Fisher-Price.com]
Sent: Friday, December 09, 2011 12:18 PM
To: Nelson, Theresa; Moore, Kelly
Cc: Dzialga, Dan
Subject: RE: CPSC Rock N Play Sleeper - mold issue

Hi Terri,

(b)(4); (b)(3); CPSC Section 6(a)

Best regards, Kitty

Confidential treatment requested
Submitted under section 15b

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052

(b)(6)

From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Monday, December 05, 2011 1:21 PM
To: Pilarz, Kitty; Moore, Kelly
Cc: Dzialga, Dan
Subject: CPSC Rock N Play Sleeper - mold issue

Kitty

Thank you for taking the time this morning to discuss the mold issue on this product which concerns both your firm and the Commission. We look forward to hearing your timeframe on when we can meet within the next two weeks to discuss this issue together. As we confirmed in our phone call, our primary focus will be to determine how much time will be needed by the firm to obtain preliminary test designs and testing procedures that will assist us in a decision on corrective action with this infant product.

In the meantime, we will need you to continue sending us any additional reports of mold (b)(4); (b)(3); CPSC Section 6(a) (b)(4); (b)(3); CPSC Section 6(a). Also, how many units of this product has the firm replaced to consumers due to mold, up to this date?

Thank you for your cooperation,

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Pilarz, Kitty [mailto:Kitty.Pilarz@Fisher-Price.com]
Sent: Tuesday, November 29, 2011 10:25 PM
To: Moore, Kelly; Nelson, Theresa
Cc: Dzialga, Dan
Subject: Mold Reports
Importance: High

Dear Terri and Kelly,

As you requested, attached are the reports of mold on the Rock and Play Sleeper that we submitted to CPSC last week. I will send you a meeting notice for Monday shortly.

Best regards, Kitty

<<Rock n Play Mold 15(b) November 23 2011.xls>>

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz

Senior Director, Mattel Product Safety

Fisher-Price

636 Girard Avenue

East Aurora, New York 14052

716-687-3343

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Nelson, Theresa

From: Nelson, Theresa
Sent: Wednesday, November 09, 2011 4:42 PM
To: 'Pilarz, Kitty'
Cc: Moore, Kelly
Subject: Rock 'N Play Sleeper (PI110066)
Attachments: mold I90355.pdf

Kitty,

Thank you for taking the time to speak with us yesterday regarding our concerns with the mold issue for this product. (b)(4); (b)(3); CPSC Section 6(a); (b)(3); CPSC Section 6(b)

(b)(4); (b)(3); CPSC Section 6(a); (b)(3); CPSC Section 6(b)

We look forward to our next conference call with you next Monday, November 14th at 3:30pm ET to determine the firm's findings.

Terri

(*) A recent IDI # 110906CCCC1997 is being mailed to you after review from the CPSC Clearinghouse, since the size of the file could not be emailed. This incident relates to an infant diagnosed with severe brachycephaly and plagiocephaly and was not previously sent to the firm.

Terri Nelson

Nelson, Theresa

From: Pilarz, Kitty <Kitty.Pilarz@Fisher-Price.com>
Sent: Monday, November 12, 2012 5:54 PM
To: Nelson, Theresa; Cheryl Possenti (cpossenti@goldbergsegalla.com)
Cc: Tarnoff, Howard; Rauchschtalbe, Renae; Thomas, Treye; Schoem, Marc; Moore, Kelly; Fest, Don
Subject: RE: Rock and Play Sleeper press release

Dear Terri,

(b)(4); (b)(3) CPSA Section 6(a)

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz
 Senior Director, Mattel Product Safety
 Fisher-Price
 636 Girard Avenue
 East Aurora, New York 14052
 716-687-3343

From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Friday, November 09, 2012 3:26 PM
To: Pilarz, Kitty; Cheryl Possenti (cpossenti@goldbergsegalla.com)
Cc: Tarnoff, Howard; Rauchschtalbe, Renae; Thomas, Treye; Schoem, Marc; Moore, Kelly
Subject: RE: Rock and Play Sleeper press release

Kitty - Attached is the draft copy of the recall press release on the Rock 'N Play (RNP) Sleeper for your review as discussed in the email below from Kelly Moore. Please return with your comments by COB on Tuesday, November 13th, as we need to reach an agreement on the release date with you and our Office of Communication. The following items need to be addressed in the attached draft:

1. **Remedy: Replacement/Refund.**

(b)(4); (b)(3) CPSA Section 6(a)

(b)(4); (b)(3) CPSA Section 6(a)

(b)(4); (b)(3);CPSA Section 6(a)

Best regards, Kitty

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052

(b)(6)

From: Moore, Kelly [<mailto:KMoore@cpsc.gov>]
Sent: Wednesday, October 10, 2012 4:15 PM
To: Pilarz, Kitty
Cc: Schoem, Marc; Nelson, Theresa; Murphy, Mary
Subject: RE: Rock and Play Sleeper

Kitty,

Thank you for your response. At the outset, we all agree that we need to cast a wide net to communicate the message to consumers and, to that end, we support your use of the forms of media you identified. (b)(4); (b)(3);CPSA Section 6(a)

(b)(4); (b)(3);CPSA Section 6(a)

We look forward to reviewing your communications plan. When it will be available?

Thanks,
Kelly

From: Pilarz, Kitty [<mailto:Kitty.Pilarz@Fisher-Price.com>]
Sent: Tuesday, October 09, 2012 10:51 AM
To: Nelson, Theresa
Cc: Schoem, Marc; Moore, Kelly
Subject: Rock and Play Sleeper

Dear Terri,

(b)(4); (b)(3);CPSA Section 6(a)

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of the Freedom of Information Act

Tuck N Play

Nelson, Theresa

From: Cheryl Possenti <cpossenti@goldbergsegalla.com>
Sent: Monday, November 19, 2012 5:05 PM
To: Nelson, Theresa
Cc: Schoem, Marc; Moore, Kelly; Thomas, Trey; Rauchschalbe, Renae; Tarnoff, Howard; Pilarz, Kitty; Kosnoff, David M.; Dzialga, Dan
Subject: Rock 'N Play Sleeper CONFIDENTIAL
Attachments: Theresa Nelson 111912 - #954650.PDF; Rock n Play Sleeper Safety Alert - #954594.PDF; Rock n Play Sleeper Press Release - #954595.DOC

Dear Terry,

(b)(4), (b)(3) CPSA Section 6(a)

We look forward to working with you toward accomplishing the mutual goals of Fisher-Price and the staff.

Best regards,

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*



GOLDBERG SEGALLA

New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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of the Freedom of Information Act

Withheld pursuant to exemption

(b)(4) ; (b)(3):CPSA Section 6(a)

of the Freedom of Information Act

Nelson, Theresa

From: Pilarz, Kitty <Kitty.Pilarz@Fisher-Price.com>
Sent: Wednesday, December 21, 2011 4:05 PM
To: Nelson, Theresa
Subject: CONFIDENTIAL: Fisher-Price - Full 15(b) Report - Newborn Rock 'n Play Sleeper
Attachments: DOC.PDF

Hi Terri,

Attached is our full report on the Newborn Rock 'n Play Sleeper. The hard copy with all the attachments is being sent to you today by overnight delivery.

Best regards, Kitty

Confidential treatment requested <<DOC.PDF>>

Submitted under section 15b

Kitty Pilarz

Senior Director, Mattel Product Safety

Fisher-Price

636 Girard Avenue

East Aurora, New York 14052

716-687-3343

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of the Freedom of Information Act

Withheld pursuant to exemption

(b)(4) ; (b)(3):CPSA Section 6(a)

of the Freedom of Information Act

Nelson, Theresa

From: Moore, Kelly
Sent: Friday, October 19, 2012 9:52 AM
To: Pilarz, Kitty
Cc: Schoem, Marc; Murphy, Mary; Dan.Dzialga@Fisher-Price.com; Tarnoff, Howard; Nelson, Theresa
Subject: RE: Rock and Play Sleeper

Kitty,

Any communication plan that merits discussion needs to include a recall press release. We have been very clear on this point. Mold in an infant's breathing zone is not acceptable. Parents must be told to inspect their products to ensure that their product is not affected. If mold is found, Fisher-Price should replace the affected product as it has been doing on a case-by-case basis for some time. It is not only appropriate but essential for the message to be communicated to the public at large. Many recall press releases contain information that is instructional in nature; this is no barrier to issuing a recall press release. We will draft a proposed release and send it to you in the next few days for review.

Best regards,
Kelly

Kelly M. Moore
Trial Attorney
Acting Team Lead, Children's Safe Sleep Team
Office of the General Counsel, Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Hwy, Room 703H
Bethesda, MD 20814
(301) 504-7447

From: Pilarz, Kitty [mailto:Kitty.Pilarz@Fisher-Price.com]
Sent: Friday, October 12, 2012 9:43 AM
To: Moore, Kelly; Nelson, Theresa
Cc: Schoem, Marc; Murphy, Mary
Subject: FW: Rock and Play Sleeper

Dear Kelly and Terri,

Here is our communication plan.

(b)(4); (b)(3):CPSA Section 6(a)

(b)(4); (b)(3); CPSA Section 6(a)

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052

(b)(6)

From: Moore, Kelly [<mailto:KMoore@cpsc.gov>]
Sent: Wednesday, October 10, 2012 4:15 PM
To: Pilarz, Kitty
Cc: Schoem, Marc; Nelson, Theresa; Murphy, Mary
Subject: RE: Rock and Play Sleeper

Kitty,

Thank you for your response. At the outset, we all agree that we need to cast a wide net to communicate the message to consumers and, to that end, we support your use of the forms of media you identified. (b)(4); (b)(3):CPSA Section 6(a)

(b)(4); (b)(3):CPSA Section 6(a); (b)(3):CPSA Section 6(b)

We look forward to reviewing your communications plan. When it will be available?

Thanks,
Kelly

From: Pilarz, Kitty [<mailto:Kitty.Pilarz@Fisher-Price.com>]
Sent: Tuesday, October 09, 2012 10:51 AM
To: Nelson, Theresa
Cc: Schoem, Marc; Moore, Kelly
Subject: Rock and Play Sleeper

Dear Terri,

(b)(4); (b)(3):CPSA Section 6(a)

- 1.
- 2.
- 3.
- 4.

Best regards, Kitty

Confidential treatment requested

Submitted under section 15b

Kitty Pilarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052
716-687-3343

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Nelson, Theresa

From: Moore, Kelly
Sent: Thursday, October 04, 2012 2:03 PM
To: cpossenti@goldbergsegalla.com
Cc: Nelson, Theresa; Thomas, Treye; Murphy, Mary; Schoem, Marc; Kitty.Pilarz@Fisher-Price.com; Dan.Dzialga@Fisher-Price.com
Subject: Fisher-Price Rock N Play
Attachments: Mold Response to Fisher Price Letter Oct 4.pdf

Cheryl,

Thank you for your letter dated Sept. 21, 2012. Our technical staff has prepared the attached to address some issues that you raised and provide the additional sources of information that you requested. We look forward to talking with you shortly.

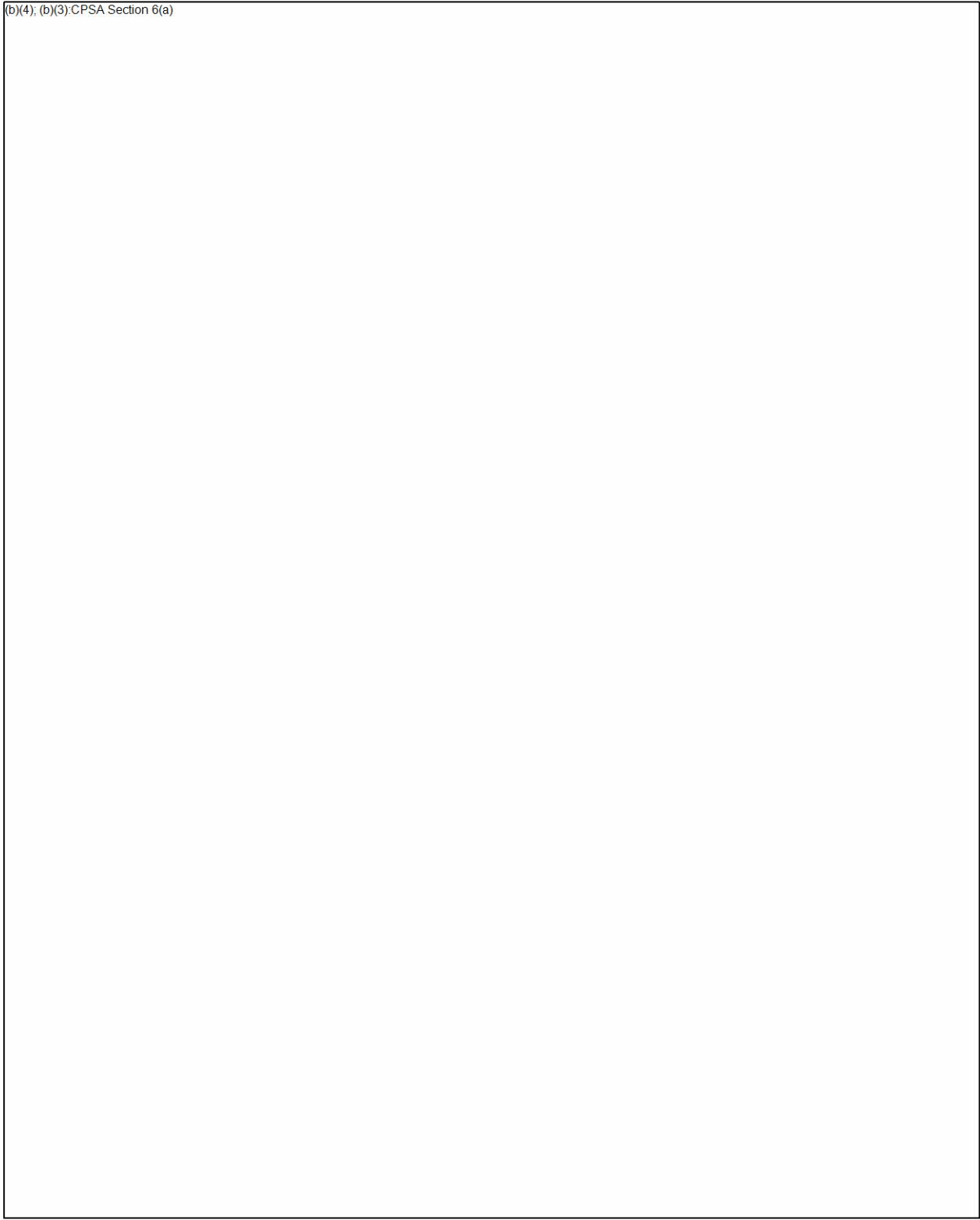
Best regards,

Kelly

Kelly M. Moore
Trial Attorney
Acting Team Lead, Children's Safe Sleep Team
Office of the General Counsel, Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Hwy, Room 703H
Bethesda, MD 20814
(301) 504-7447

Response to Fisher Price Letter Summary of Mold Data Review

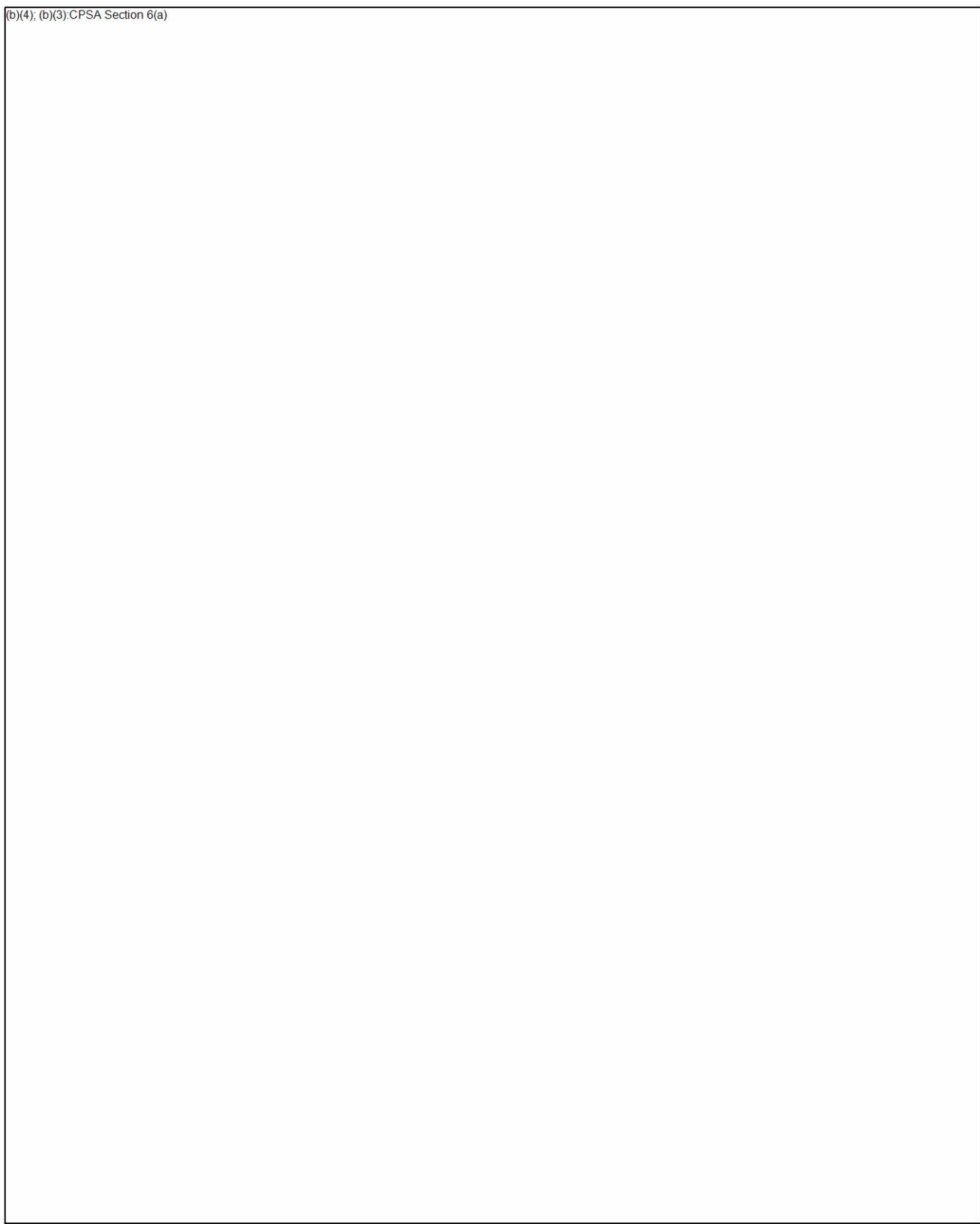
(b)(4); (b)(3);CPSA Section 6(a)



(b)(4); (b)(3); CPSA Section 6(a)

(b)(4); (b)(3) CPSA Section 6(a)

(b)(4); (b)(3);CPSA Section 6(a)

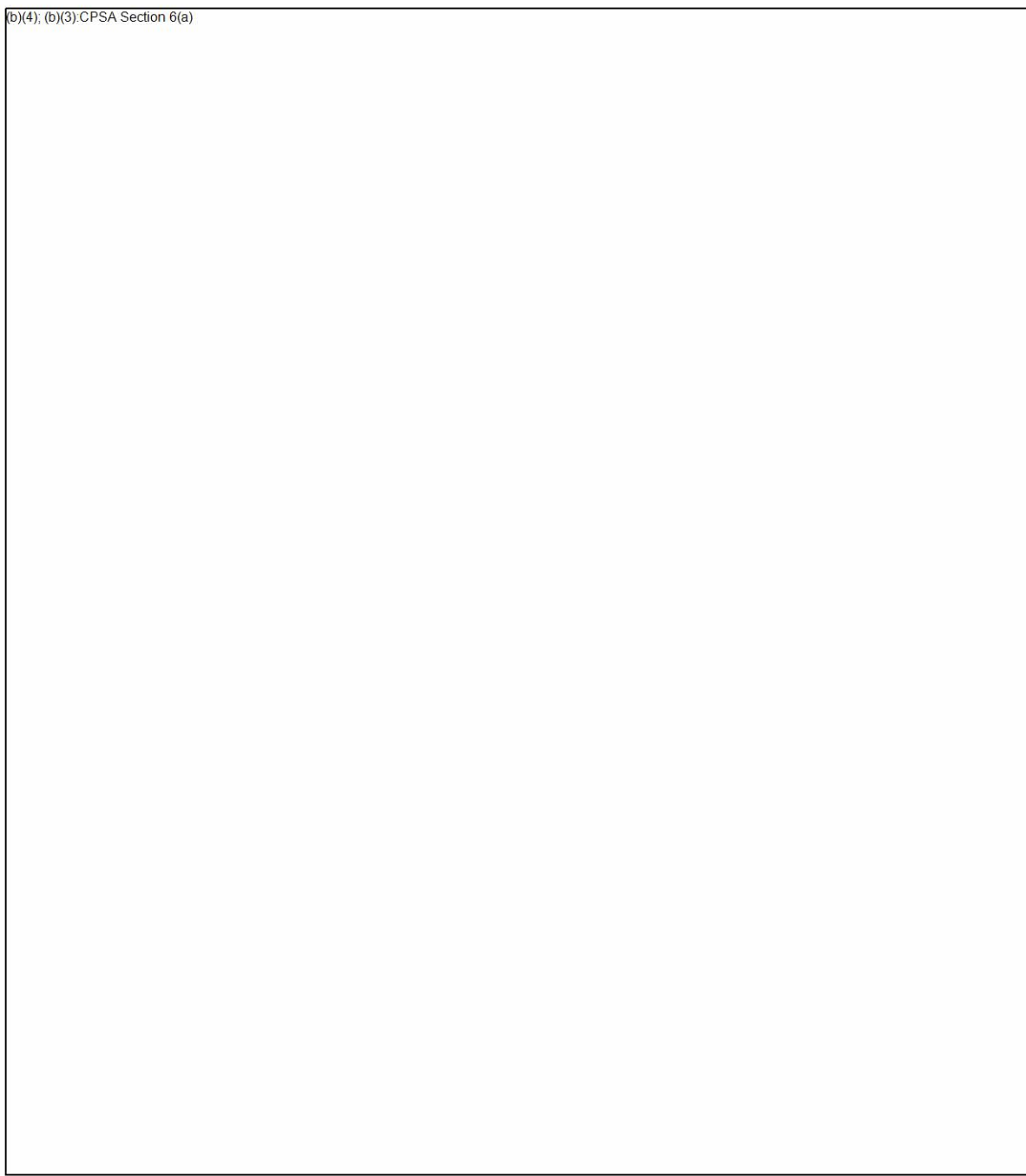


List of relevant studies

(b)(4), (b)(3) CPSA Section 6(a)

Federal agency action on mold

(b)(4); (b)(3); CPSA Section 6(a)



³ <http://www.cdc.gov/mold/basics.htm>

Nelson, Theresa

From: Cheryl Possenti <cpossenti@goldbergsegalla.com>
Sent: Wednesday, October 03, 2012 4:49 PM
To: Nelson, Theresa
Cc: Pilarz, Kitty; David.Kosnoff@Mattel.com; dan.dzialga@fisher-price.com; Moore, Kelly
Subject: FW: Call-in # for conf.call on Thurs. 10/4 @ 3:pm EST w/CPSC -RE: Rock 'n Play Sleeper
 CONFIDENTIAL PI110066

Hi, Terri,

Kitty and I look forward to speaking with you tomorrow at 3:00 p.m.

(b)(4), (b)(3):CPSA Section 6(a)

Thank you very much.

Best regards,

Cheryl

*Submitted Under Section 15(b)
 Confidential Treatment Requested*



GOLDBERG SEGALLA

New York London Philadelphia Princeton Hartford Buffalo
 Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
 Partner
 665 Main Street / Suite 400
 Buffalo, NY 14203
 716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
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From: Nelson, Theresa [mailto:TNelson@cpsc.gov]
Sent: Thursday, September 27, 2012 8:10 AM
To: Cheryl Possenti
Cc: 'Kitty.Pilarz@Fisher-Price.com'; 'David.Kosnoff@Mattel.com'; 'dan.dzialga@fisher-price.com'; Moore, Kelly
Subject: Call-in # for conf.call on Thurs. 10/4 @ 3:pm EST w/CPSC -RE: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Terri Nelson

Compliance Officer
 Office of Compliance & Field Operations
 U.S. Consumer Product Safety Commission
 Phone: 301-504-7509 or
 1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]

Sent: Friday, September 21, 2012 4:57 PM

To: Nelson, Theresa

Cc: Thomas, Treye; Moore, Kelly; Schoem, Marc; Pilarz, Kitty; Dzialga, Dan; Kosnoff, David M.

Subject: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Hi, Terry,

Please see the attached letter asking for information and requesting a call. Hard copies are being sent out today.

Thank you very much for your courtesies.

Best regards,

Cheryl

*Submitted Under Section 15(b)
 Confidential Treatment Requested*

<image001.jpg>

Cheryl A. Possenti, Esq.

Partner

665 Main Street / Suite 400

Buffalo, NY 14203

716.566.5444/FAX 716.566.5401

cpossenti@goldbergsegalla.com

<http://www.goldbergsegalla.com>

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 *****!!!

Nelson, Theresa

From: Nelson, Theresa
Sent: Wednesday, October 03, 2012 5:12 PM
To: 'Cheryl Possenti'
Cc: Pilarz, Kitty; David.Kosnoff@Mattel.com; dan.dzialga@fisher-price.com; Moore, Kelly
Subject: RE: Call-in # for conf.call on Thurs. 10/4 @ 3:pm EST w/CPSC -RE: Rock 'n Play Sleeper
 CONFIDENTIAL PI110066

Cheryl,

I will be providing you with that information tomorrow morning. It is being routed for approval at this time.

Other staff that will be available for the conference call tomorrow include: Treye Thomas, Joanna Matheson, Dominique Johnson, Kelly Moore, Marc Schoem and Mary Murphy.

We look forward to speaking with you.

Regards, Terri

Terri Nelson

Compliance Officer
 Office of Compliance & Field Operations
 U.S. Consumer Product Safety Commission
 Phone: 301-504-7509 or
 1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Cheryl Possenti [mailto:cpossenti@goldbergsegalla.com]
Sent: Wednesday, October 03, 2012 4:49 PM
To: Nelson, Theresa
Cc: Pilarz, Kitty; David.Kosnoff@Mattel.com; dan.dzialga@fisher-price.com; Moore, Kelly
Subject: FW: Call-in # for conf.call on Thurs. 10/4 @ 3:pm EST w/CPSC -RE: Rock 'n Play Sleeper CONFIDENTIAL
 PI110066

Hi, Terri,

Kitty and I look forward to speaking with you tomorrow at 3:00 p.m.

(b)(4); (b)(3); CPSA Section 6(a)

Thank you very much.

Best regards,

Cheryl

Submitted Under Section 15(b)
Confidential Treatment Requested



New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
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From: Nelson, Theresa [<mailto:TNelson@cpsc.gov>]
Sent: Thursday, September 27, 2012 8:10 AM
To: Cheryl Possenti
Cc: 'Kitty.Pilarz@Fisher-Price.com'; 'David.Kosnoff@Mattel.com'; 'dan.dzialga@fisher-price.com'; Moore, Kelly
Subject: Call-in # for conf.call on Thurs. 10/4 @ 3:pm EST w/CPSC -RE: Rock 'n Play Sleeper CONFIDENTIAL PI110066

The call in information is as follows:

Toll Free: (b)(6)
Participant Passcode (b)(6)

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Nelson, Theresa
Sent: Wednesday, September 26, 2012 9:53 AM
To: 'Cheryl Possenti'
Cc: Kitty.Pilarz@Fisher-Price.com; David.Kosnoff@Mattel.com; dan.dzialga@fisher-price.com
Subject: RE: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Cheryl

Yes, I'll get back to you with a call-in number shortly.

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]
Sent: Wednesday, September 26, 2012 9:37 AM
To: Nelson, Theresa
Cc: Kitty.Pilarz@Fisher-Price.com; David.Kosnoff@Mattel.com; dan.dzialga@fisher-price.com
Subject: Re: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Hi Terry

We can confirm. Thank you. Can we call you?

Cheryl

Cheryl A. Possenti, Esq.
Partner
Goldberg Segalla
NY • PA • NJ • CT • UK
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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From: Nelson, Theresa
To: Cheryl Possenti
Cc: Kitty Pilarz ; David M. Kosnoff ; Daniel A. Dzialga
Sent: Wed Sep 26 08:53:08 2012
Subject: RE: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Cheryl,

Next Thursday, October 4th at 3:00pm EST, works for us. Please confirm.

Thank you, Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]
Sent: Wednesday, September 26, 2012 7:33 AM
To: Nelson, Theresa
Cc: Kitty Pilarz; David M. Kosnoff; Daniel A. Dzialga
Subject: Re: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Hi, Terry,

We are not available October 1 between 2:00 and 4:00 however we can be available October 4 at either 11:00 a.m. or 3:00 p.m. Please let us know if either of these times work for you.

Best regards,

Cheryl

Confidential treatment requested
Submitted under Section 15(b)

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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On Sep 25, 2012, at 8:08 AM, "Nelson, Theresa" <TNelson@cpsc.gov> wrote:

Thanks Cheryl

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]
Sent: Monday, September 24, 2012 6:44 PM
To: Nelson, Theresa
Cc: Thomas, Treye; Moore, Kelly; Schoem, Marc; Kitty.Pilarz@Fisher-Price.com; dan.dzialga@fisher-price.com; David.Kosnoff@Mattel.com
Subject: Re: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Hi Terry

Thank you. I will check and get back to you as soon as possible

Cheryl

Confidential treatment requested
Submitted under section 15(b)

Cheryl A. Possenti, Esq.
Partner
Goldberg Segalla
NY • PA • NJ • CT • UK
665 Main Street / Suite 400
Buffalo, NY 14203
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From: Nelson, Theresa
To: Cheryl Possenti
Cc: Thomas, Treye ; Moore, Kelly ; Schoem, Marc ; 'Pilarz, Kitty (Kitty.Pilarz@Fisher-Price.com)' ;
'Dzialga, Dan (Dan.Dzialga@Fisher-Price.com)' ; 'Kosnoff, David M. (David.Kosnoff@Mattel.com)'
Sent: Mon Sep 24 17:51:58 2012
Subject: RE: Rock 'n Play Sleeper CONFIDENTIAL PI110066
Cheryl

I'm not able to schedule your requested phone conference for this Thursday, due to multiple conflicts on our end. Would your staff be available on Monday, October 1st for an hour between 2:00-4:00pm EST?

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Nelson, Theresa

Sent: Monday, September 24, 2012 1:37 PM

To: Cheryl Possenti (cpossenti@goldbergsegalla.com)

Cc: Thomas, Treye; Moore, Kelly; Schoem, Marc; Pilarz, Kitty (Kitty.Pilarz@Fisher-Price.com); Dzialga, Dan (Dan.Dzialga@Fisher-Price.com); Kosnoff, David M. (David.Kosnoff@Mattel.com)

Subject: FW: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Cheryl

Thank you for the attached submission to our request on September 6, 2012 for a corrective action proposal. I am checking on staff's availability for a phone call for Thursday, September 27th and will get back to you by COB today.

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]

Sent: Friday, September 21, 2012 4:57 PM

To: Nelson, Theresa

Cc: Thomas, Treye; Moore, Kelly; Schoem, Marc; Pilarz, Kitty; Dzialga, Dan; Kosnoff, David M.

Subject: Rock 'n Play Sleeper CONFIDENTIAL PI110066

Hi, Terry,

Please see the attached letter asking for information and requesting a call. Hard copies are being sent out today.

Thank you very much for your courtesies.

Best regards,

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*

<image001.jpg>

Cheryl A. Possenti, Esq.

Partner

665 Main Street / Suite 400

Buffalo, NY 14203

716.566.5444/FAX 716.566.5401

cpossenti@goldbergsegalla.com

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Nelson, Theresa

From: Moore, Kelly
Sent: Wednesday, August 08, 2012 2:49 PM
To: Cheryl Possenti
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc; Murphy, Mary; Nelson, Theresa; Thomas, Treye
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Cheryl,

(b)(4); (b)(3);CPSA Section 6(a)

Best regards,

Kelly

Kelly M. Moore
Trial Attorney
Acting Team Lead, Children's Safe Sleep Team
Office of the General Counsel, Division of Compliance
U.S. Consumer Product Safety Commission
4330 East West Hwy, Room 703H
Bethesda, MD 20814
(301) 504-7447

From: Cheryl Possenti [mailto:cpossenti@goldbergsegalla.com]
Sent: Monday, July 23, 2012 10:26 AM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi Terry,

Thank you very much. We would be able to meet at 1:30 p.m. on Tuesday, August 14, 2012, if that is convenient for you and the other staff members.

(b)(4); (b)(3);CPSA Section 6(a)

We look forward to meeting with you and other members of the staff to share this information and to discuss these issues.

Best regards,

Cheryl



GOLDBERG SEGALLA

New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
665 Main Street / Suite 400
Buffalo, NY 14203
716.566.5444/FAX 716.566.5401
cpossenti@goldbergsegalla.com
<http://www.goldbergsegalla.com>

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Privileged Attorney-Client Communication / Attorney's Work Product

From: Nelson, Theresa [<mailto:TNelson@cpsc.gov>]
Sent: Wednesday, July 18, 2012 11:07 AM
To: Cheryl Possenti; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan; Schoem, Marc
Subject: RE: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Cheryl

Our staff would prefer to meet with you and your staff on Tuesday, August 14th in the afternoon after 1:00 pm (EST). Please let me know an exact time and we will plan accordingly.

We plan to postpone our Preliminary Determination Panel until after our meeting with you on that date. Can you email me a copy of Dr. Got's additional study which you plan to present, for our review prior to the meeting?

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

SIGN UP FOR RECALL NOTICES: <http://www.cpsc.gov/cpsclist.aspx>

From: Cheryl Possenti [<mailto:cpossenti@goldbergsegalla.com>]
Sent: Monday, July 16, 2012 4:01 PM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan
Subject: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL

Hi, Terry, Kelly and Trey,

Attached is a letter that is being sent by fax and overnight mail. We look forward to hearing from you.

Best regards,

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*



GOLDBERG SEGALLA

New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
Partner
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*****!!! Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission. Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page: <https://www.cpsc.gov/cpsclist.aspx> *****!!!

Nelson, Theresa

From: Cheryl Possenti <cpossenti@goldbergsegalla.com>
Sent: Monday, July 16, 2012 4:01 PM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Pilarz, Kitty; Dzialga, Dan
Subject: Fisher-Price Rock 'n Play Sleeper PI11066 CONFIDENTIAL
Attachments: Letter to CPSC staff requesting conference 71612 - #898073.PDF

Hi, Terry, Kelly and Trey,

Attached is a letter that is being sent by fax and overnight mail. We look forward to hearing from you.

Best regards,

Cheryl

*Submitted Under Section 15(b)
Confidential Treatment Requested*



New York London Philadelphia Princeton Hartford Buffalo
Rochester Syracuse Albany White Plains Garden City

Cheryl A. Possenti, Esq.
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Nelson, Theresa

From: Cheryl Possenti <cpossenti@goldbergsegalla.com>
Sent: Wednesday, March 07, 2012 7:34 AM
To: Nelson, Theresa; Moore, Kelly; Thomas, Treye
Cc: Kitty Pilarz; David M. Kosnoff; Dan Dzialga
Subject: Fwd: Rock 'n Play sleeper CONFIDENTIAL

Hi, Terry, Kelly and Treye,

We have obtained the following information in response to your email describing additional information requested by the technical staff.

(b)(4); (b)(3); CPSA Section 6(a)



We hope this information is helpful. If you have any questions or need further information, please let me know.

Cheryl

Submitted Under Section 15(b)

Confidential Treatment Requested

<image004.jpg>

Cheryl A. Possenti, Esq.

Partner

665 Main Street / Suite 400

Buffalo, NY 14203

Withheld pursuant to exemption

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD 20814

Kelly M. Moore, Trial Attorney
Office of the General Counsel
Division of Compliance

Tel: (301) 504-7447
Fax: (301) 504-0121
Email: kmoore@cpsc.gov

Via E-Mail

February 15, 2012

Ms. Kitty Pillarz
Senior Director, Mattel Product Safety
Fisher-Price
636 Girard Avenue
East Aurora, New York 14052

**Re: Fisher-Price Rock N Play Sleeper
CPSC File No. PI110066**

Dear Kitty,

Thank you for forwarding the BV reports. I have sent them on to our technical staff for review.

(b)(3) Exemption 3 for fairness; (b)(3) CPSA Section 6(b)



Kitty Pillarz
Fisher-Price
Page 2

(b)(3) Exemption 3 for fairness; (b)(3) CPSA Section 6(b)

Sincerely,

Kelly M. Moore

¹ See, the head padding in models #X2897 and #W9443.

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Nelson, Theresa

From: Nelson, Theresa
Sent: Thursday, August 04, 2011 5:16 PM
To: 'Pilarz, Kitty'
Cc: Moore, Kelly
Subject: CPSC update re Rock N Play Sleeper
Attachments: 04269000.pdf; 05242557 61.pdf

Kitty,

Our staff is currently reviewing the Full Report information sent on July 22nd, but I wanted to forward you the attached incidents received by the Commission within the last two weeks.

The first IDI (# 110426CNE9000) attached, is the final report from the incident #I090528A which I had sent the Firm on April 25, 2011 with the Full Report request. This consumer wishes her identity to remain confidential. In the second IDI (#110524CCC2557) attached, the consumer's name is identified as per her consent. This consumer's complaint does not appear to have been received by the Firm according to their Full Report.

Our the sample of the Rock 'N Play Sleeper model R6070 is currently being assessed by our technical staff. Were there *any changes* (besides fabric color) made in the production of models V9102, V9196 and V9197?

Please let me know if you have any questions.

Terri

Terri Nelson

Compliance Officer
Office of Compliance & Field Operations
U.S. Consumer Product Safety Commission
Phone: 301-504-7509 or
1-800-638-8095 ext. 7509

Fax: 301-504-0359
tnelson@cpsc.gov

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1. Task Number 110426CNE9000		2. Investigator's ID 9088		EPIDEMIOLOGIC INVESTIGATION REPORT	(b)(5)
3. Office Code 840	4. Date of Accident YR MO DAY 2010 07 01	5. Date Initiated YR MO DAY 2011 04 26			(b)(5)
6. Synopsis of Accident or Complaint UPC A four month old male was diagnosed with plagiocephaly after three months of playpen/sleeper use.					(b)(5)
7. Location (Home, School, etc) 1 - HOME		8. City (b)(6)		9. State CA	
10A. First Product 1537 - Bassinets Or Cradles		10B. Trade/Brand Name FISHER PRICE ROCK N PLAY		10C. Model Number R6070	
10D. Manufacturer Name and Address MATTEL, INC. 333 Continental Boulevard El Segundo, CA 90245-5012					
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE	
11D. Manufacturer Name and Address NONE					
12A. Hispanic or Latino 2 - No		12B. Race 1 - White Other:		12C. Race Source 1 - Respondent-Self/Family	
13. Age of Victim 204		14. Sex 1 - Male		15. Disposition 1 - Injured, not Hosp.	
16. Injury Diagnosis 71 - Other/NS/No inj		17. Body Part(s) Involved 75 - HEAD		18. Respondent 1 - Victim/Complainant	
19. Type of Investigation 2 - Telephone		20. Time Spent (Operational / Travel) 6 / 0		21. Attachment(s) 5 - Other	
22. Case Source 07 - Consumer Complaint		23. Sample Collection Number		24. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes for Manuf. Only <input checked="" type="radio"/> Verbal <input type="radio"/> Written	
25. Review Date 05/13/2011		26. Reviewed By 9003		27. Regional Office Director Dennis R Blasius	
28. Distribution [REDACTED]		29. Source Document Number 11090528A		(b)(5)	

Doc No: I1090528A

Issue: 51

09/14/2010

09/11/2010 17:44:34

Name = (b)(6)

Address = (b)(6)

City = (b)(6)

State =

Zip = (b)(6)

Email = (b)(6)

Telephone = (b)(6)

Name of Victim =

Victim's Address =

Victim's City =

Victim's State =

Victim's Zip =

Victim's Telephone =

Incident Description = Hello,

We bought the Fisher Price Newborn Rock-N-Play Sleeper and we feel it contributed significantly to his plagiocephaly (flat head). He is now in physical therapy three times a week and a \$3,800 corrective helmet. While I think the rocker is a great idea, and I can see how it is helpful for babies with acid reflux, I would never have used it as an overnight sleeper knowing what I now know. The packaging says it is approved as an overnight sleeper, so that's how we used it - but at the newborn stage all they do is sleep. In hindsight, I think the backing is too hard, which put too much pressure on his malleable little skull. Perhaps our son was more at risk than other kids (the therapists say torticollis can exacerbate turning to one side, and he was a left-handed thumb sucker), but I do believe the rocker needs additional warnings or perhaps reclassified as an infant seat or extra padding added to the hard back. Also, when we took the cover off to wash it, we noticed black spots -- my husband thought it was mold, but I thought it might have been from our toddler who loved to put crayons behind the liner and watch them drop out the bottom. Anyway, I just wanted to add my experience with this product in case you are receiving other complaints from consumers. Many thanks for your time.

Victim's age at time of incident *4 months*

Victim's sex =

Date of incident =

Product involved = infant sleeper

Product brand name/manufacturer = Fisher Price Newborn Rock-N-Play Sleeper

Manufacturer street address =

Place where manufactured (City and State or Country) =

Product model and serial number, manufacture date = R6070

Product damaged, repaired or modified =

If yes, before or after the incident =

Description of damage, repair or modification =

Date product purchased = 3/10/2010

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

Name Release = Do not release name

11090528A

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b)(6)



Signature

9/24/2010
Date

I request that you do not release my name.



You may release my name to the manufacturer but I request that you not release it to the general public.



You may release my name to the manufacturer and to the public.

1. Task Number 110524CCC2557		2. Investigator's ID 4714		EPIDEMIOLOGIC INVESTIGATION REPORT (b)(5)
3. Office Code 810	4. Date of Accident YR MO DAY 2010 12 01	5. Date Initiated YR MO DAY 2011 06 09		
6. Synopsis of Accident or Complaint UPC 027084834185 A six-month-old female developed torticollis after sleeper use. The victim was placed in the sleeper at victim's home for naps and overnight sleep everyday from zero to six months old. The torticollis was evident at three weeks old but victim was not diagnosed with torticollis until four months old. The connection between the sleeper and the torticollis was not discovered until victim was six months old.				
7. Location (Home, School, etc) 1 - HOME		8. City (b)(6)		9. State OH
10A. First Product 1537 - Bassinets Or Cradles		10B. Trade/Brand Name NEWBORN ROCK 'N PLAY SLEEPER		10C. Model Number R6070
10D. Manufacturer Name and Address FISHER-PRICE, INC. 636 Girard Avenue East Aurora, NY 14052				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12A. Hispanic or Latino 1 - Yes	12B. Race 1 - White Other:		12C. Race Source 1 - Respondent-Self/Family	
13. Age of Victim 206	14. Sex 2 - Female	15. Disposition 1 - Injured, not Hosp.		16. Injury Diagnosis 71 - Other/NS/No inj
17. Body Part(s) Involved 75 - HEAD	18. Respondent 1 - Victim/Complainant	19. Type of Investigation 1 - On-Site		20. Time Spent (Operational / Travel) 30.5 / 2.25
21. Attachment(s) 9 - Multiple Attachments		22. Case Source 07 - Consumer Complaint		23. Sample Collection Number
24. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes for Manuf. Only <input type="radio"/> Verbal <input checked="" type="radio"/> Written				
25. Review Date 07/11/2011	26. Reviewed By 9071		27. Regional Office Director Dennis R. Blasius	
28. Distribution Nelson, Theresa			29. Source Document Number I1150455A (b)(5)	

IDENTITY OF RESPONDENTS

The respondents in this investigation are:

1. (b)(6) Mother of Victim, (b)(6) Phone:
(b)(6), Email: (b)(6) Initially contacted via phone and
email on 6/9/11; additional email and/or phone contact on 6/13/11, 6/23/11, and 6/27/11.

[REDACTED]

[REDACTED]

[REDACTED]

This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 5/23/2011

Incident Details

Document Number: 11150455A

Report Number: 20110523-D10B6-2147478897

Report Submitted Date: 5/23/2011

Who You Are: Consumer

Incident Description: My daughter has been using the Fisher Price Rock and Play Sleeper for nighttime and naptime sleep for 6 months, since she came home from the hospital. The product is marketed to parents as "meeting industry safety standards for bassinets" and the packaging includes a photo of a mom in bed with her infant beside her in this product. After just 3 weeks of overnight use my daughter developed torticollis (a tightening of the neck muscles). She was not diagnosed until 4 months (but it is visible in pictures at 3 weeks) and we did not make the connection to this product until she was 6 months old, at which time we ceased using the product. Torticollis develops after use with this product because it forces the child to turn her head to one side. I made the connection to this product after reading numerous reviews on Amazon.com of many other parents reporting the same condition after repeated nighttime use. Treatment of this condition requires months of physical therapy and has delayed my daughter's physical development. My daughter has also developed a flat head that has been shaped by the hard plastic backing of the product. While hers is not severe, many of the Amazon.com reviewers report severe flat head problems.

Incident Date: 12/20/2010 This is an estimate

Incident Location: Home/Apartment/Condominium (b)(6) United States
This is my home address

Victim Details

First Name: (b)(6)

Last Name: (b)(6)

Injury Information: Injury, Seen by Medical Professional

Victim is of Hispanic/Latino origin? Yes

Race: White

Other Race/Ethnicity:

Source of Race Information: Respondent - Self/Family

My Relationship to Victim: My Child

Gender: Female

Age when incident occurred: 0 Years 1 Months

Address: (b)(6)

E-mail:

Phone Number:

Product Details

CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people outside of CPSC.

Product nighttime sleeper (like a bassinet) and playtime seat (link to product on Amazon.com:
Description: <http://www.amazon.com/Fisher-Price-Newborn-Rock-Sleeper-Yellow/dp/B002M77N22>)

Product Baby
Category:

Product Type: Nursery Equipment & Supplies

Brand Name: Fisher Price

Manufacturer/Private Fisher Price

Labeler Name:

Model Name or Number: Newborn Rock 'n Play Sleeper, Model No. R6070

Serial Number:

Date
Manufactured:

Manufacturer
Date Code:

Manufacturer Not specified
Address:

Manufacturer
Website URL:

Manufacturer
Phone Number:

Retailer: Babies R Us

Retailer State: Ohio

Additional Details

Purchase Date: 10/1/2010 This date is an estimate

I still have the product in my possession. Yes

The product was damaged before the incident. No

The product was modified before the incident. No

Have you contacted the manufacturer? No

If not, do you plan to contact them? Yes

Explanation: I plan to contact the manufacturer to make them aware of the damage their product design is doing to many children, not just mine.

Your Contact Information

First Name: (b)(6)

CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people outside of CPSC.

Last Name:	(b)(6)	
Address:		United States
E-mail		
Phone Number:		
Consent		

May we include your Report, including any documents or photographs that you have attached to your Report, but without your name and contact information, in CPSC's Public Database? Yes, you may include my Report with any attachments on SaferProducts.gov.

May we release your name and contact information to the product manufacturer/private labeler? Yes, you may release my name and contact information to the product manufacturer/private labeler identified in your Report.

I certify that I have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief. Yes

OMB Control Number 3041-0146

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fisher-Price, Inc.
636 Girard Avenue
East Aurora, NY 14052

2. Article Number

7010 1870 0003 4106 2082

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X (b)(6)

☐ Agent☐ Addressee

B. Received by (Printed Name)

(b)(6)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

at

PII add

102595-02-M-1540

TRANSMISSION VERIFICATION REPORT

TIME : 04/25/2011 10:46
 NAME : COMPLIANCE FIELD OPS
 FAX : 3015040060
 TEL : 3015040060
 SER.# : 000K9N178939

DATE, TIME
 FAX NO./NAME
 DURATION
 PAGE(S)
 RESULT
 MODE

04/25 10:38
 917166873599
 00:08:10
 34
 OK
 STANDARD
 ECM



U.S. CONSUMER PRODUCT SAFETY COMMISSION
 OFFICE OF COMPLIANCE AND FIELD OPERATIONS
 BETHESDA, MD 20814
 FAX: 301-504-0359

FAX

To: Kitty Pilarz From: Terri Nelson
 Fax: 716 687-3599 Pages + Cover: 34
 Phone: _____ Date: 4/25/11
 Re: _____ CC: _____



Facsimile Transmission Only

Confirmation by U.S. Mail

Comments:

Kitty- Please see attached letter and
attachments (2 incident reports). This
will also be sent via certified mail

7010 1870 0003 4106 2082

U.S. Postal ServiceTM
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Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

PS Form 3800, August 2006

See Reverse for Instructions



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
OFFICE OF COMPLIANCE AND FIELD OPERATIONS
BETHESDA, MD 20814
FAX: 301-504-0359**

FAX

To: Kitty Pilarz From: Terri Nelson
 Fax: 716 687-3599 Pages + Cover: 34
 Phone: _____ Date: 4/25/11
 Re: _____ CC: _____



Facsimile Transmission Only

Confirmation by U.S. Mail

Comments:

*Kitty- Please see attached letter and
 attachments (2 incident reports). This
 will also be sent via certified mail
 today. Please contact me if you have
 any questions. Thank you*

Terri Nelson

301-504-7509

Note: If all pages are not received, or you have problems with this transmittal, please contact the person above.

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

Office of Compliance and Field Operations
 Defect Investigations Division
 Email: tnelson@cpsc.gov

Theresa Nelson
 Compliance Officer
 Tel: 301-504-7509
 Fax: 301-504-0060

Certified Mail/Telecopy (716) 687-3599

April 25, 2011

Ms. Kitty Pilarz
 Senior Director, Mattel Product Safety
 Fisher-Price, Inc.
 636 Girard Avenue
 East Aurora, NY 14052

Re: CPSC File No. PI110066
 Fisher-Price, Inc.
 Rock 'N Play Sleeper
 Model Number: R6070

Dear Ms. Pilarz:

The U.S. Consumer Product Safety Commission ("Commission") Office of Compliance and Field Operations has received reports of incidents concerning the Rock 'N Play Sleeper ("Subject Product"), which is manufactured by Fisher-Price, Inc. ("Firm").

(b)(4); (b)(3) CPSC Section 6(a); (b)(3) CPSC Section 6(b)

(b)(4); (b)(3) CPSC Section 6(a);
 (b)(3) CPSC Section 6(b)

(b)(4); (b)(3) CPSC Section 6(a); (b)(3) CPSC Section 6(b)

Enclosed are one Incident Report (currently being followed up with an In-Depth Investigation) and one In-Depth Investigation and for your review.

Enclosed for your information (or you can access the information on line at the links provided) are the Consumer Product Safety Act ("CPSA") and the Commission's regulation titled "Substantial Product Hazard Reports" (16 C.F.R. Part 1115). These documents explain the law, the Commission's authority, and the Commission's policies regarding products that may present substantial product hazards. They also explain the Firm's rights and obligations under the CPSA. Since your report concerns a product intended for use by children, please refer also to the Federal Hazardous Substances Act (FHSA).

One of the responsibilities of the Office of Compliance and Field Operations staff is to determine preliminarily whether a defect is present in a product and, if so, whether that defect

risks to the level of a substantial risk of injury to children under section 15(c) of the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. § 1274(c).

Information Requested

For the Commission staff to assess accurately the potential hazard, if any, presented by the Subject Product, the Firm must provide the "full report" information and documents required by 16 C.F.R. § 1115.13(d) (1-14). **Please provide that information and those documents to the extent applicable to the Subject Product and the reported problem or issue, and in your response, please reference each regulation subsection number (1-14).** This request is not limited by a date range and includes all versions, model numbers, and similarly engineered designs of this product. If a similarly engineered product was rebranded, cosmetically changed, or provided a new model number, this request is inclusive of all such products.

In addition to providing the information requested above, **please also submit the following relating to the Subject Product:**

- 15(a) All documents, records, and information (including electronic mail and other electronic documents, records, and information) pertaining to the reported problem or issue and comprising or relating to the following: all oral and written consumer, dealer, distributor, retailer, and other complaints and claims; all warranty and insurance claims, reports, and forms; and all reports of incidents, property damage, and injuries.¹
- i. Your response must include all court complaints and other documents initiating lawsuits, and all documents and records concerning the resolution of all complaints, claims, incidents, and lawsuits.
 - ii. For each telephone or other oral complaint, claim, and report identified above, include the date and contents.
 - iii. If any of the documents and records requested above are unavailable, identify them, state the reason they are unavailable, and provide a summary containing the names, addresses, and

¹ This request for information is intended to be construed as broadly as possible and if the Firm is in doubt about whether to include an item in its response, CPSC staff expects that the Firm will include the item. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The word "including" shall be construed to mean without limitation. The words "any" and "all" shall be construed so as to make the request inclusive rather than exclusive. This construction is particularly important when the Firm provides CPSC staff with its responsive materials in regards to consumer reports, complaints, and injuries in addition to all legal claims, complaints, lawsuits, etc. as set forth in 16 CFR §1115.13(6) and (10) in addition to its answers and responsive materials to questions 15(a) and 15(d)-(f) of this Full Report Request.

telephone numbers of the consumers, dealers, distributors, and retailers, or of their attorneys, as applicable.

- 15(b) A list of all countries other than the United States to which the Firm distributes or distributed the Subject Product, and the number of Subject Products shipped or distributed to each country.
- 15(c) All premarket and postmarket test reports, analyses, and evaluations related to the reported problem or issue.
- 15(d) A list of all modifications made to the product including all structural and functional modifications to the product, modifications made in response to any safety concerns, modifications made to address, in part or in whole, the reported problem or issue, and modifications made to address, in part or in whole, consumer incident reports to the Firm.
- 15(e) All engineering drawings, engineering change notices, requests for engineering changes, and material specifications related to the modifications outlined above.
- 15(f) All internal Firm documents, records, and information (including electronic mail and other electronic documents, records, and information) pertaining to the modifications outlined above.
- 15(g) All UPC codes for all models involved.
- 15(h) A list by consumer name and address of which consumer incident samples were returned to the Firm and which consumer incident samples are currently in the possession of the Firm. Provide one returned consumer sample of each model involved that exhibits the best or most severe examples of the reported problem or issue. Consumer incident samples returned to the Firm from the date of this letter are not to be destroyed and the Firm is to update CPSC staff when additional consumer incident samples are received.
- 15(i) One sample of each model involved, including the retail packaging and all instructions. If there is a proposed correction for the reported problem or issue, provide samples of the proposed correction with all instructions proposed to be given to consumers. If there is a cost associated with these samples, notify us prior to sending the samples.
- 15(j) Country of manufacture.
- 15(k) Full name, address, and telephone number of each foreign manufacturer.

Information Disclosure

Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the Commission from releasing information submitted under section 15(b) of the CPSA unless a remedial action plan has been accepted in writing, a complaint has been issued, the submitting person consents to such release, or the Commission publishes a finding that the public health and safety require such release.

If the Firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, 15 U.S.C. § 2055(a)(3). The Commission may not disclose to the public trade secret information or proprietary commercial or financial data. If the Firm does not request confidential treatment at the time of its submission, or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Continuing Obligations

The Firm has a continuing obligation to supplement or correct its "full report" and any other information it provides, including the information submitted in response to the above requests. If, for example, after submitting its report and information to the Commission, the Firm receives or learns of information concerning complaints, claims, incidents, or injuries that the Firm did not report, or other information that affects the scope, prevalence, or seriousness of the reported problem, issue, or potential defect or hazard, the Firm must immediately report that information to the Office of Compliance and Field Operations.

In addition, until this matter and any related matters are resolved, there will remain the possibility of further enforcement action, including reasonably anticipated litigation. Therefore, the Firm must abide by the continuing legal obligation to preserve all information, documents, records, and samples, now in existence or created hereafter, related to the Subject Product.

Due Date and Contact Information

The Office of Compliance and Field Operations requests that the Firm respond in writing and in full by providing all requested documents, records, information, and samples **within ten working days of your receipt of this letter**. Please reference the file number stated above in your response. If you seek assistance or if you have any questions, you may contact me at 301-504-7509. Please address your correspondence to the following: Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, Room 824, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0060.

Page 5
PI110066

Thank you for your cooperation in this matter.

Sincerely,

Theresa Nelson
Compliance Officer
Defect Investigations Division

Enclosures/Links:

Consumer Product Safety Act - <http://www.cpsc.gov/about/cpsia/legislation.html>
16 C.F.R. Part 1101, Information Disclosure - - <http://www.cpsc.gov/ABOUT/guide.html>
Part 1115, Substantial Product Hazard Reports --
<http://www.cpsc.gov/BUSINFO/frnotices/fr06/E611758.pdf>
Part 1116, Section 37 Reports -- <http://www.cpsc.gov/BUSINFO/cpsa37.pdf>
Recall Handbook - <http://www.cpsc.gov/businfo/8002.html>
Recall Checklist - <http://www.cpsc.gov/businfo/recallcheck.pdf>
In-Depth Investigation# 101221CNE0795 - head playography
Incident Report # 11090528A - fall from sleeper

Doc No: I1090528A

Issue: 51

09/14/2010

09/11/2010 17:44:34

Name =

City = Santa Clarita

State = California

Zip =

Name of Victim =

Victim's Address =

Victim's City =

Victim's State =

Victim's Zip =

Victim's Telephone =

(b)(5)

Incident Description = Hello,

We bought the Fisher Price Newborn Rock-N-Play Sleeper and we feel it contributed significantly to his plagiocephaly (flat head). He is now in physical therapy three times a week and a \$3,800 corrective helmet. While I think the rocker is a great idea, and I can see how it is helpful for babies with acid reflux, I would never have used it as an overnight sleeper knowing what I now know. The packaging says it is approved as an overnight sleeper, so that's how we used it - but at the newborn stage all they do is sleep. In hindsight, I think the backing is too hard, which put too much pressure on his malleable little skull. Perhaps our son was more at risk than other kids (the therapists say torticollis can exacerbate turning to one side, and he was a left-handed thumb sucker), but I do believe the rocker needs additional warnings or perhaps reclassified as an infant seat or extra padding added to the hard back. Also, when we took the cover off to wash it, we noticed black spots -- my husband thought it was mold, but I thought it might have been from our toddler who loved to put crayons behind the liner and watch them drop out the bottom. Anyway, I just wanted to add my experience with this product in case you are receiving other complaints from consumers. Many thanks for your time.

Victim's age at time of incident =

Victim's sex =

Date of incident =

Product involved = infant sleeper

Product brand name/manufacturer = Fisher Price Newborn Rock-N-Play Sleeper

Manufacturer street address =

Place where manufactured (City and State or Country) =

Product model and serial number, manufacture date = R6070

Product damaged, repaired or modified =

If yes, before or after the incident =

Description of damage, repair or modification =

Date product purchased = 3/10/2010

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

Name Release = Do not release name

DocNo: I1090528A

09/11/2010 17:44:34

[REDACTED]

Email = [REDACTED]

Name of Victim = [REDACTED]

Victim's Address = [REDACTED]

Victim's City = [REDACTED]

Victim's State = [REDACTED]

Victim's Zip = [REDACTED]

Victim's Telephone = [REDACTED]

Incident Description = Hello,

We bought the Fisher Price Newborn Rock-N-Play Sleeper and we feel it contributed significantly to his plagiocephaly (flat head). He is now in physical therapy three times a week and a \$3,800 corrective helmet. While I think the rocker is a great idea, and I can see how it is helpful for babies with acid reflux, I would never have used it as an overnight sleeper knowing what I now know. The packaging says it is approved as an overnight sleeper, so that's how we used it - but at the newborn stage all they do is sleep. In hindsight, I think the backing is too hard, which put too much pressure on his malleable little skull. Perhaps our son was more at risk than other kids (the therapists say torticollis can exacerbate turning to one side, and he was a left-handed thumb sucker), but I do believe the rocker needs additional warnings or perhaps reclassified as an infant seat or extra padding added to the hard back. Also, when we took the cover off to wash it, we noticed black spots -- my husband thought it was mold, but I thought it might have been from our toddler who loved to put crayons behind the liner and watch them drop out the bottom. Anyway, I just wanted to add my experience with this product in case you are receiving other complaints from consumers. Many thanks for your time.

Victim's age at time of incident = *4 months*

Victim's sex = [REDACTED]

Date of incident = [REDACTED]

Product involved = infant sleeper

Product brand name/manufacturer = Fisher Price Newborn Rock-N-Play Sleeper

Manufacturer street address = [REDACTED]

Place where manufactured (City and State or Country) = [REDACTED]

Product model and serial number, manufacture date = R6070

Product damaged, repaired or modified = [REDACTED]

If yes, before or after the incident = [REDACTED]

Description of damage, repair or modification = [REDACTED]

Date product purchased = 3/10/2010

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

I1090528A

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.



Signature

9/24/2010
Date

I request that you do not release my name.



You may release my name to the manufacturer but I request that you not release it to the general public.



You may release my name to the manufacturer and to the public.

Doc No: I10C0687A

Issue: 13

12/21/2010

12/18/2010 13:51:43

(b)(5)

Name = (b)(6)
 Address = (b)(6)
 City = (b)(6)
 State = Tennessee
 Zip = (b)(6)
 Email = (b)(6)@gmail.com
 Telephone = (b)(6)
 Name of Victim = (b)(6)
 Victim's Address = (b)(6)
 Victim's City = (b)(6)
 Victim's State = Tennessee
 Victim's Zip = (b)(6)
 Victim's Telephone =

Incident Description = My son was in his Rock and Play, he was buckled in. Somehow he fell out of in on to the hardwood floor. He has a bump and scratch on the side of his head. We are watching for any signs of a concussion.

Victim's age at time of incident = 4 months
 Victim's sex = male
 Date of incident = 12-18-2010
 Product involved = Rock and Play Sleeper
 Product brand name/manufacturer = Fisher Price
 Manufacturer street address = 636 Girard Avenue
 Place where manufactured (City and State or Country) =
 Product model and serial number, manufacture date =
 Product damaged, repaired or modified = no
 If yes, before or after the incident =
 Description of damage, repair or modification =
 Date product purchased = March 2010
 Product involved still available = yes
 Have you contacted the manufacturer = no
 If not, do you plan to contact them = yes
 Name Release = Do not release name

1. Task Number 101221CNE0795		2. Investigator's ID 2390		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2010 12 18	5. Date Initiated YR MO DAY 2010 12 29		
6. Synopsis of Accident or Complaint UPC A female consumer put her four month old son in an infant seat designed for nighttime and daytime use. She buckled him in the seat with the three-point waist restraint. While she was out of the bedroom, the infant got out of the restraint and fell from the seat. The infant suffered a contusion and scratch to his head. The injuries have healed. <div style="border: 1px solid black; width: 250px; height: 60px; margin-left: auto; margin-right: 0;">(b)(5)</div>				
7. Location (Home, School, etc) 1 - HOME		8. City <div style="border: 1px solid black; width: 60px; height: 15px; margin-left: 10px;">(b)(6)</div>		9. State TN
10A. First Product 1549 - Other Baby Carriers		10B. Trade/Brand Name FISHER PRICE ROCK'N PLAY		10C. Model Number R6070
10D. Manufacturer Name and Address MATTEL, INC. 333 Continental Boulevard El Segundo, CA 90245-5012				
11A. Second Product 1807 - Floors Or Flooring Materials		11B. Trade/Brand Name UNKNOWN		11C. Model Number UNKNOWN
11D. Manufacturer Name and Address NONE				
12A. Hispanic or Latino 2 - No	12B. Race 1 - White Other:		12C. Race Source 1 - Respondent-Self/Family	
13. Age of Victim 204	14. Sex 1 - Male	15. Disposition 1 - Injured, not Hosp.	16. Injury Diagnosis 53 - Cont./Abrs.	
17. Body Part(s) Involved 75 - HEAD	18. Respondent 1 - Victim/Complainant	19. Type of Investigation 1 - On-Site	20. Time Spent (Operational / Travel) 15 / 2.5	
21. Attachment(s) 9 - Multiple Attachments		22. Case Source 07 - Consumer Complaint <div style="border: 1px solid black; width: 150px; height: 20px; margin-left: 10px;">(b)(5)</div>		23. Sample Collection Number
24. Permission to Disclose Name (Non NEISS Cases Only) <div style="display: flex; justify-content: space-around; align-items: center;"> <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes for Manuf. Only <input type="radio"/> Verbal <input checked="" type="radio"/> Written </div>				
25. Review Date 01/25/2011	26. Reviewed By 8978		27. Regional Office Director Dennis R. Blasius	
28. Distribution Nelson, Theresa			29. Source Document Number I10C0687A	

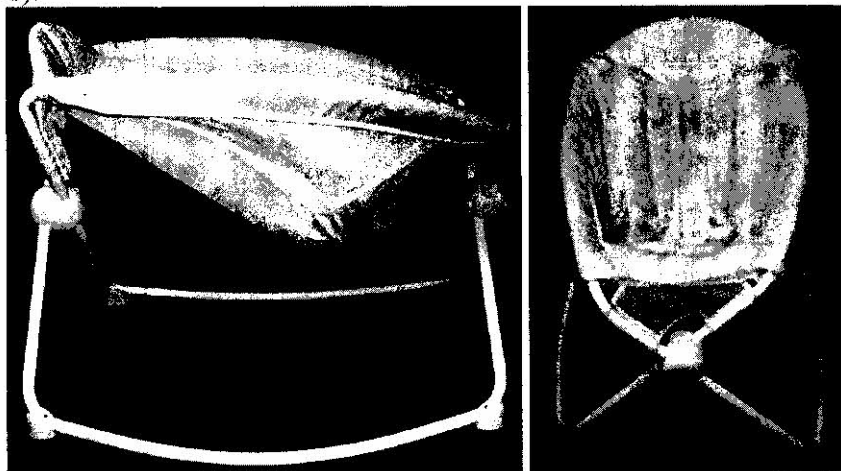
IDI# 101221CNE0795

This In-Depth Investigation (IDI) was initiated in response to an internet complaint filed on the CPSC website. The complaint involved a four month old child falling from an infant seat. On January 5, 2011, the following information was obtained from an onsite interview with the complainant.

The complainant is a twenty-three year old female. She lives with her twenty-four year old husband and five month old son/victim. Her son was born on (b)(6) 2010. He was four months old at the time of the incident in December 2010. He is approximately twenty-six inches tall and weighs approximately 15.5 pounds. In December 2010, he was approximately twenty-four inches tall and approximately twelve pounds. He is healthy, active and is meeting his developmental milestones. He suffers from acid reflux and has to take medication to treat the symptoms.

The family lives in a two-story home inside a residential neighborhood. The home has three bedrooms and is approximately 3,000 square feet. The bedrooms have hardwood flooring. The incident occurred in an upstairs bedroom. The PSI could not photograph the incident bedroom because the complainant had guests sleeping inside the room.

The product involved is an infant seat designed for nighttime and daytime use. It has a metal tube X-frame base and is designed to rock slightly forward and backward. The seat has a plastic support insert that inclines. The seat also has a three-point waist restraint and a removable yellow-colored washable fabric. The product measures approximately 32"L x 37" W x 21"H and can fold flat for storage or transport (See Attachment 2 for photographs).



[The incident infant seat.]

In March 2010, the complainant received the infant seat as a baby shower gift from her mother. The product was purchased from a chain baby retail website. The product required minor assembly prior to the first use. The complainant read and understood the owner's manual and used all the required parts for the seat. She does not know the location of the original owner's manual. The PSI downloaded an online version of the manual (See Attachment 3).

IDI# 101221CNE0795

She started using the infant seat after her son's birth. The incline of the seat helped with his acid reflux symptoms. She estimated the daily usage was approximately eight hours with nighttime usage and naps. The product was used indoors by her son and was never repaired, altered, or subjected to rough use.

On December 18, 2010, the infant seat was located in an upstairs bedroom. At approximately 20:30 hours, she put the victim in the seat and buckled the three-point waist restraint. She recalls the restraint was not loose. The victim was wearing a diaper and a one piece pajama set with footies. He did not have a blanket or pillow in the seat. She left the bedroom when he fell asleep in the seat. She does not recall him having trouble with his acid reflux symptoms the night of the incident.

Around 22:00 hours, she checked on the victim and he was still sleeping in the seat. Around midnight, she and her husband were in the den and heard the victim crying. When she entered the bedroom, she saw the victim lying on the hardwood floor under the infant seat. His head was facing the foot of the seat and his feet were near the top.

She reports the product was in its original position and was not flipped or overturned. The waist restraint was still buckled. She never heard the victim land on the floor. The product is approximately twenty-one inches in height, so the distance from the seat to the hardwood floor would be no more than twenty-one inches.

She has never seen the victim try to get out of the infant seat. He is capable of holding his head up unsupported, rolling over, and pushing his chest up. At the time, he could not stand, crawl, or pull-up on furniture. She thinks he used his feet to push-up in the seat and was able to rollover the side or fall from the top of the seat. She believes the product would be safer if the seat had shoulder restraints in conjunction with the waist restraint.

After the incident, she called the child's pediatrician and was told to watch for signs of a concussion. The only visible injury was a minor scratch on top of the child's head that went to his mouth and a contusion on his head. The injuries have healed. The PSI was not able to get a photograph of the victim's face. She reports the victim has no health complications associated with the fall.

She has not contacted the manufacturer to report the incident but plans too. She signed an authorization release giving the CPSC permission to release her information the manufacturer only (See Attachment 4).

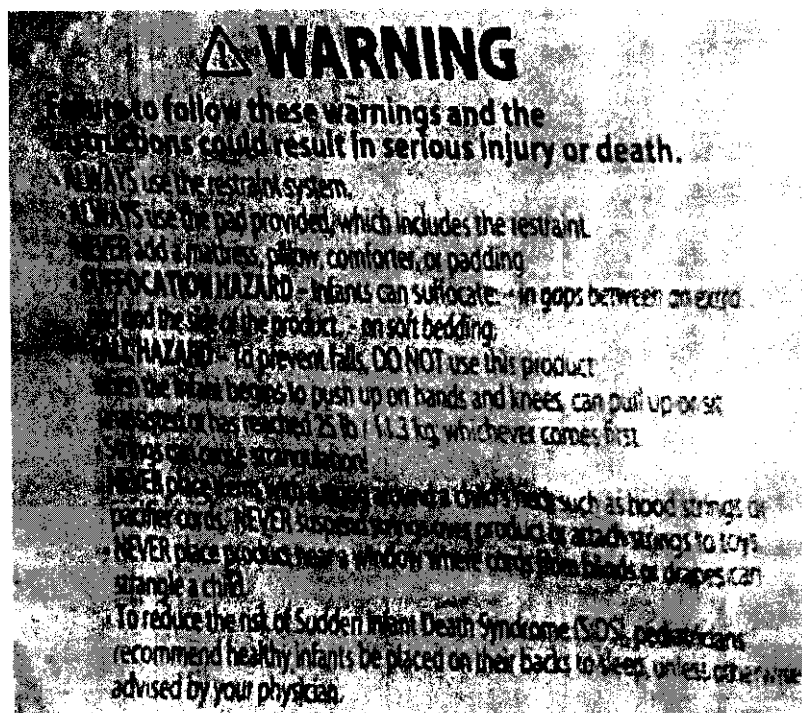
PRODUCT IDENTIFICATION:

The product involved in this IDI is a **Fisher-Price Rock'n Play Sleeper**, model R6070. The Universal Product Code is 746775014582. The manufacturer is Mattel Inc. located at 333 Continental Boulevard El Segundo, CA 90245-5012. The product was purchased from the Babies "R" Us internet website. The infant seat is approximately \$50.

IDI# 101221CNE0795

The product is a nighttime sleeper and/or daytime seat. It has a metal tube X-frame base and is designed to rock slightly forward and backward. The seat has a plastic back support insert that inclines. The seat also has a three-point waist restraint and a removable yellow-colored washable fabric. The product measures approximately 32"L x 37" W x 21"H and can fold flat for storage or transport. The incident product was photographed and not collected.

The manufacturer's suggested weight limit is twenty-five pounds. The firm suggests consumers use the product from birth until the child is able to pull-up or sit unassisted. The product has labeling on the frame that reads, "R6070 FISHER PRICE, INC. A SUBSIDIARY OF © 2008 MATTEL, INCO EAST AURORA, NY 14052 CHINA PATENT PENDING." Labeling on the fabric reads as follows:



IDI# 101221CNE0795

CONTACT WITH RETAILER:

Item was purchased from the internet.

IDI# 101221CNE0795

ATTACHMENTS:

1. Contacts
2. Photographs (16)
3. Manual
4. Name Release form

Attachment 1

CONTACT LIST

IDI 101221CNE0795

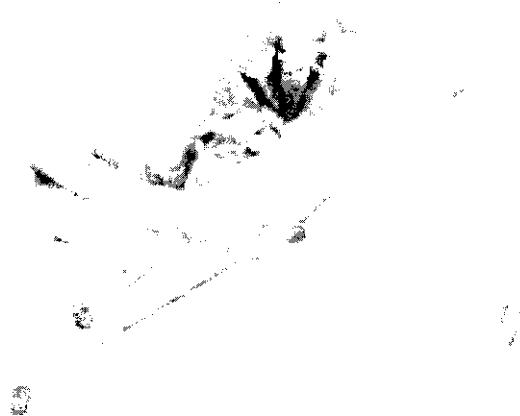
Complainant- (b)(6)

(b)(6)

Tel: (b)(6)

E-mail: (b)(6) - Contacted on 12/29/2010

www.babiesrus.com – used for product information.



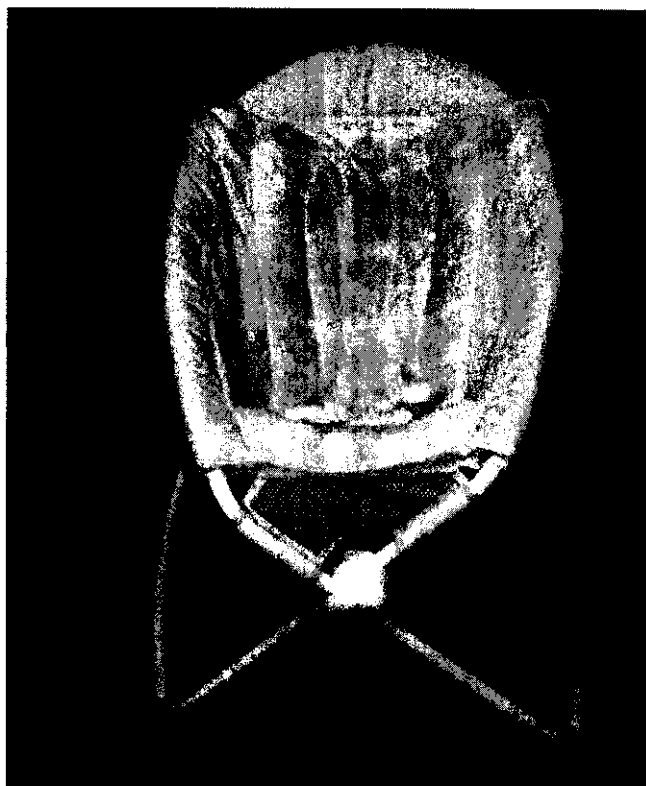
Photograph 1: The manufacturer's photograph of Fisher Price Rock and Play Sleeper.



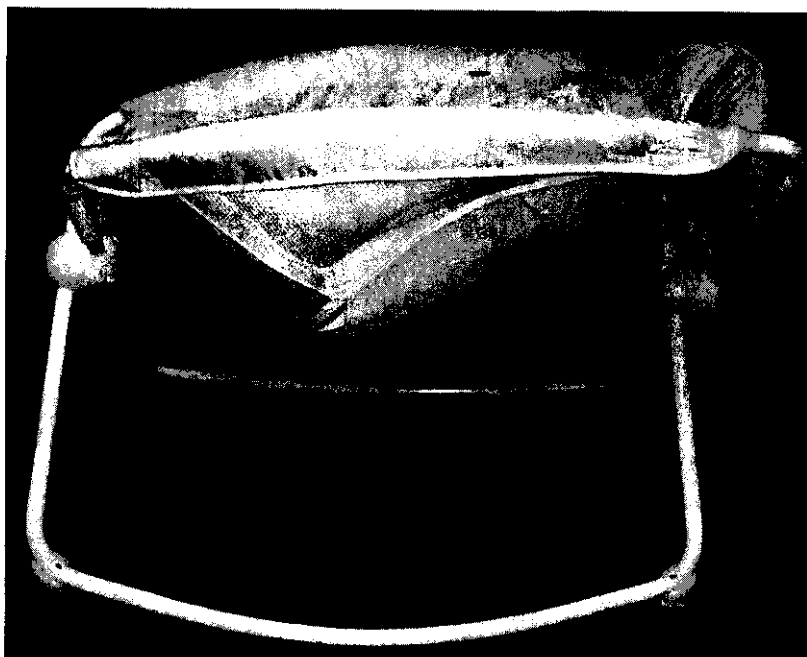
Photograph 2: The manufacturer's photograph of infant usage.



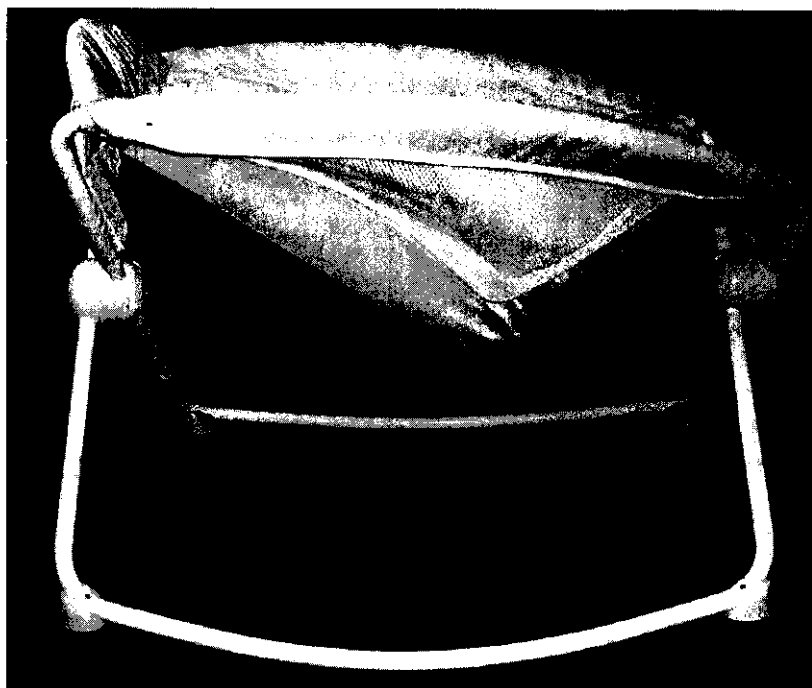
Photograph 3: The manufacturer's advertisement of versatility.



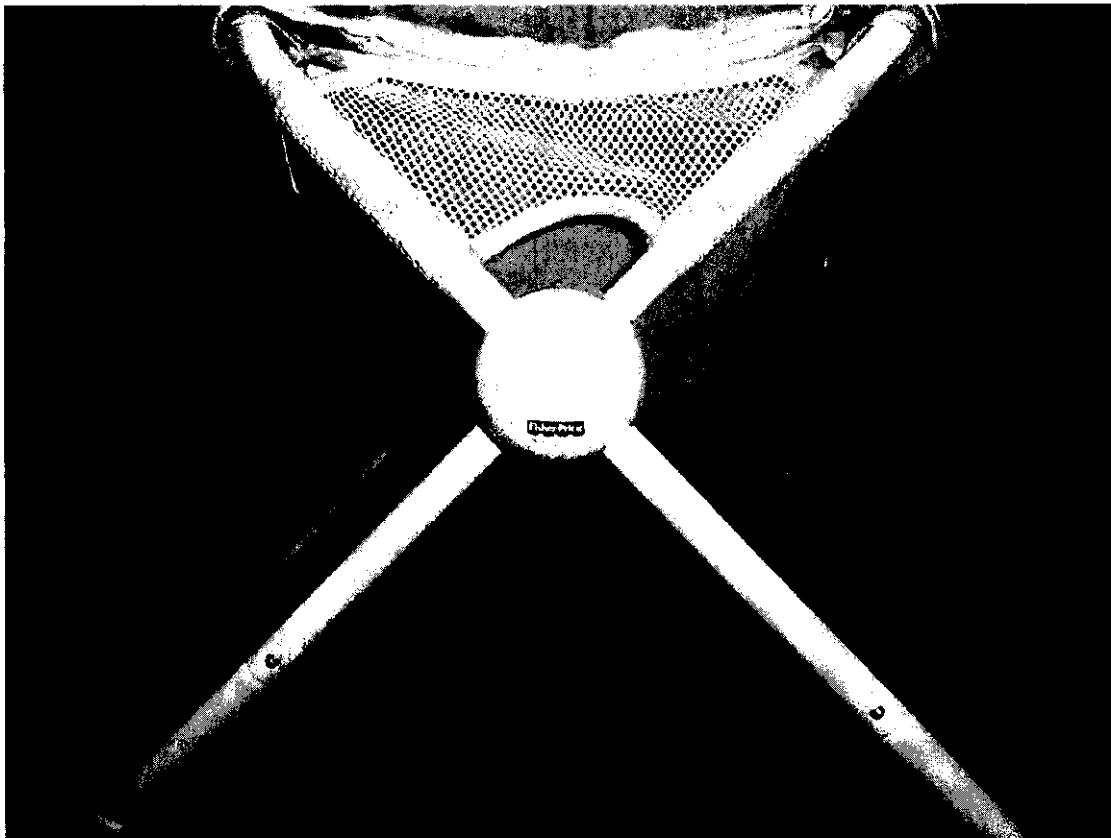
Photograph 4: The consumer's Fisher Price Rock'n Play Sleeper, model R6070. The PSI could not photograph the bedroom where the incident occurred because the consumer had guests visiting that were sleeping inside the room.



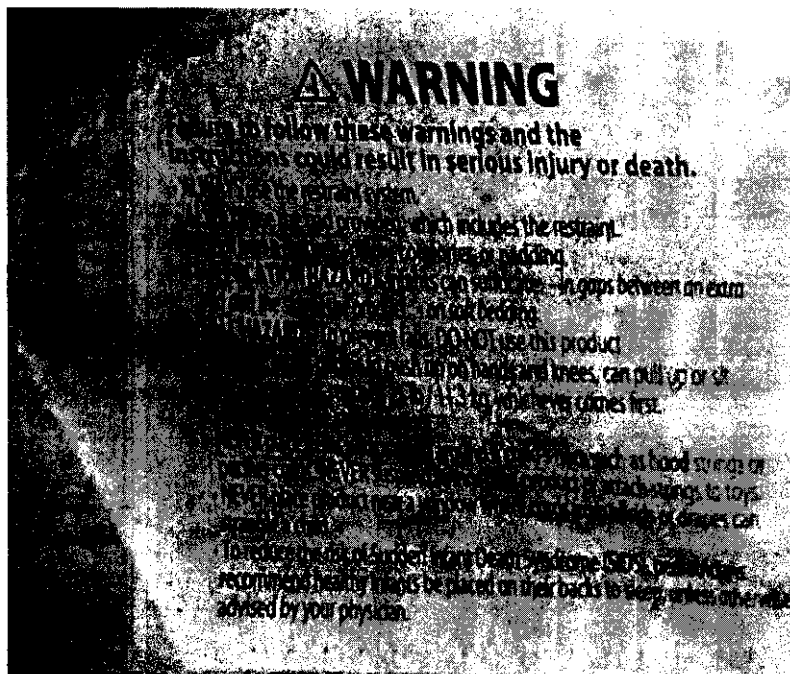
Photograph 5: The side view of the infant seat.



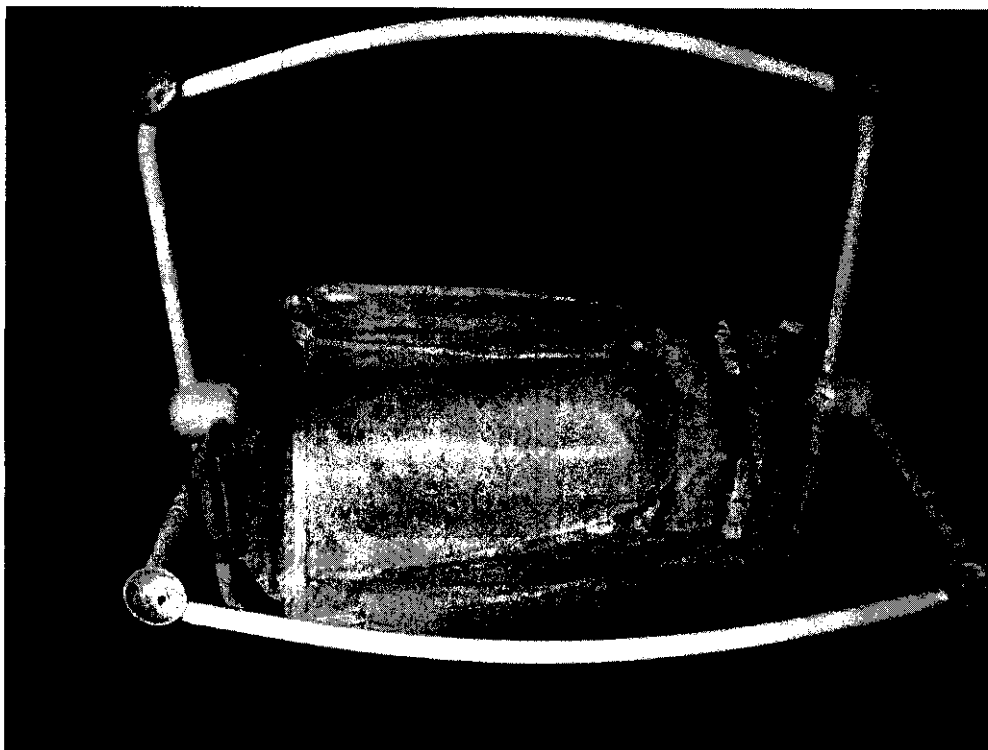
Photograph 6: Opposite view of the seat.



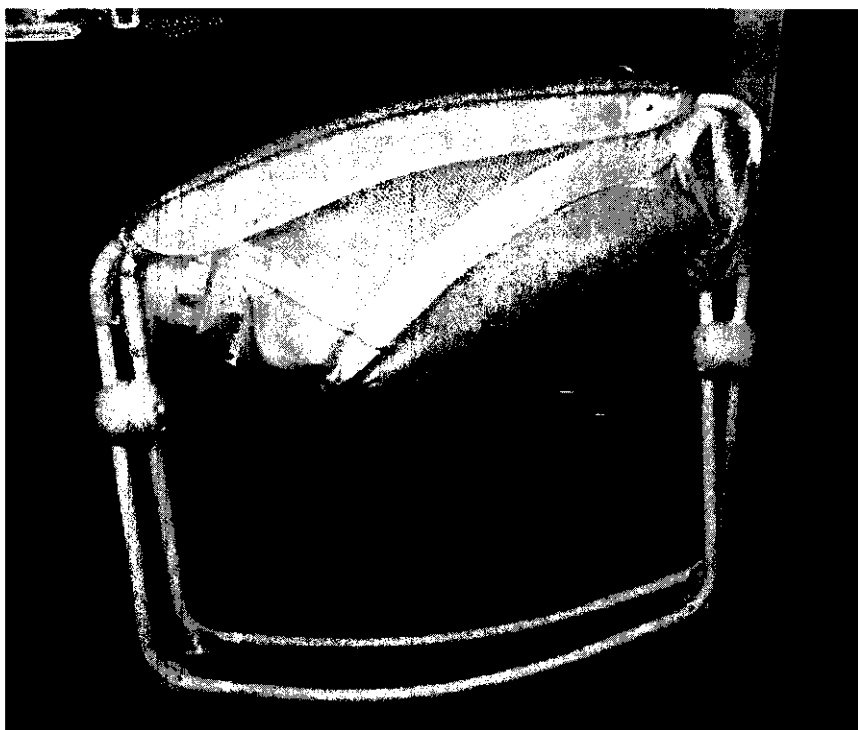
Photograph 7: The fold button reads, "Easy Fold Fisher Price." The consumer pushes both plastic buttons on either side to fold the product.



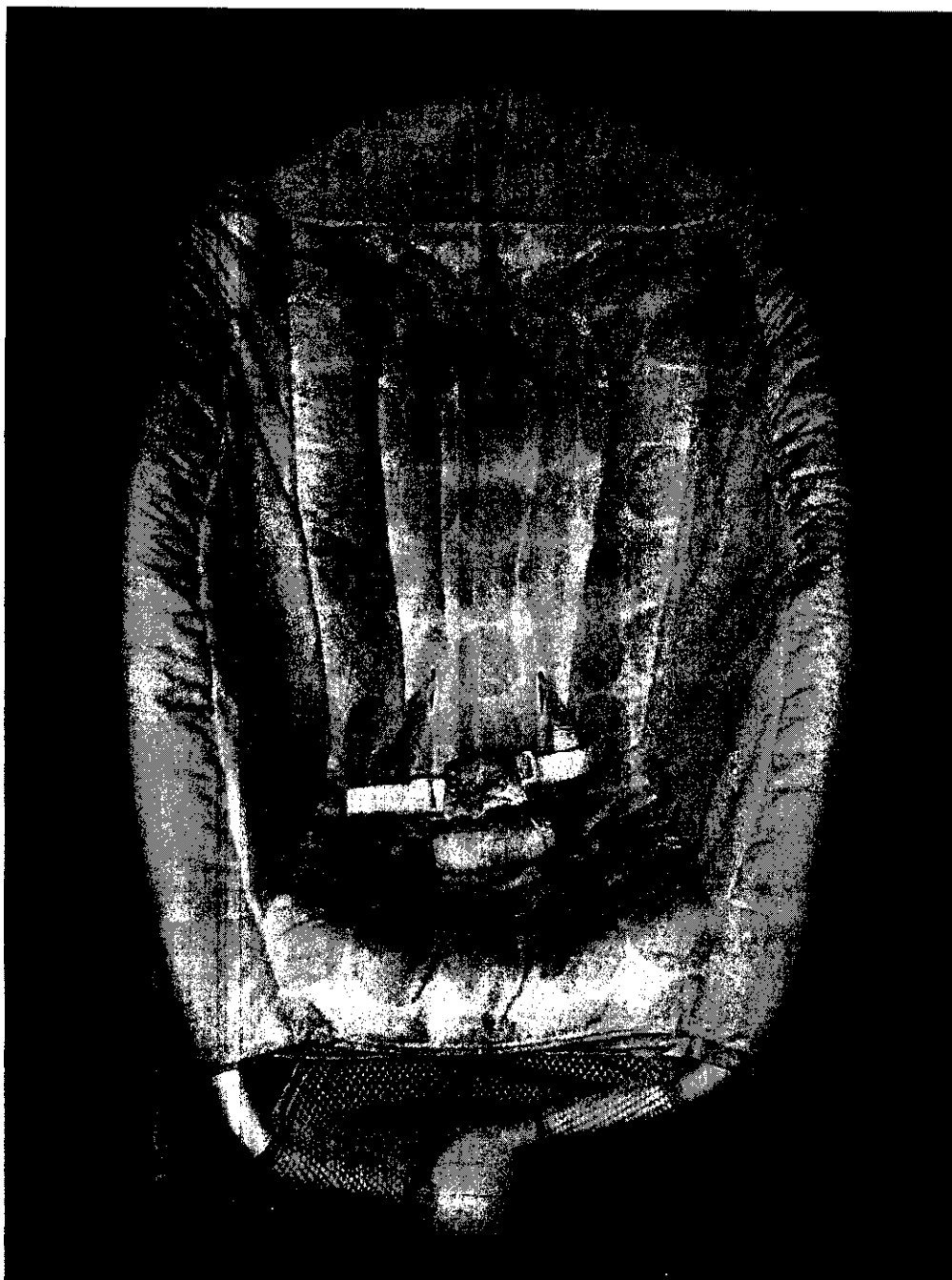
Photograph 8: Labeling at the head of the product.



Photograph 9: The bottom of the seat.

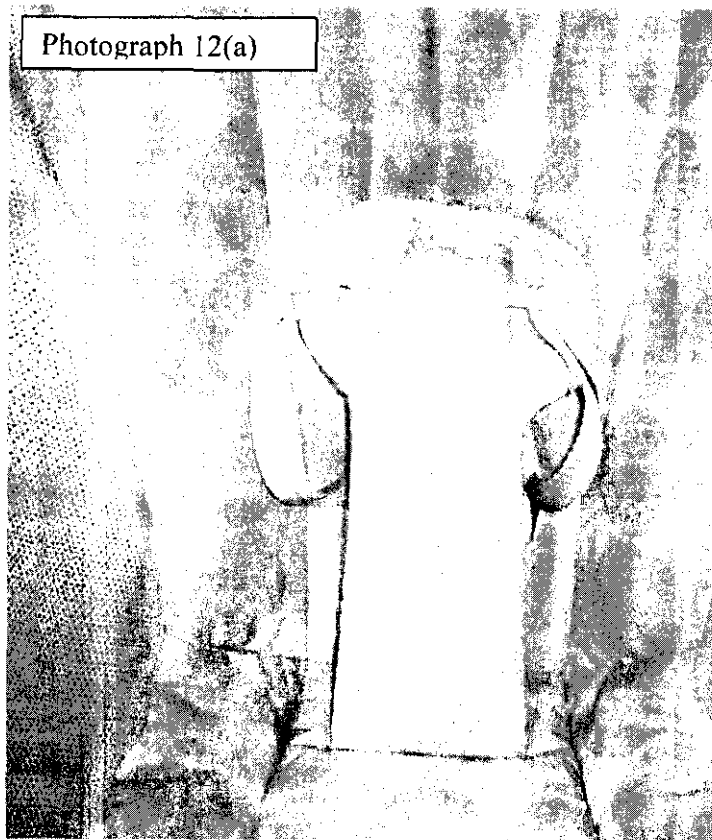


Photograph 10: The product folded.

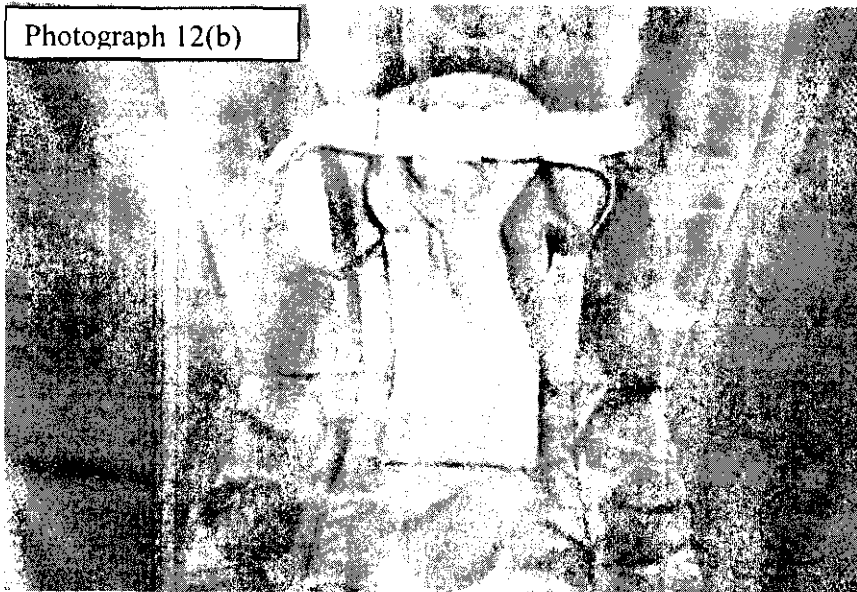


Photograph 11: The seat area.

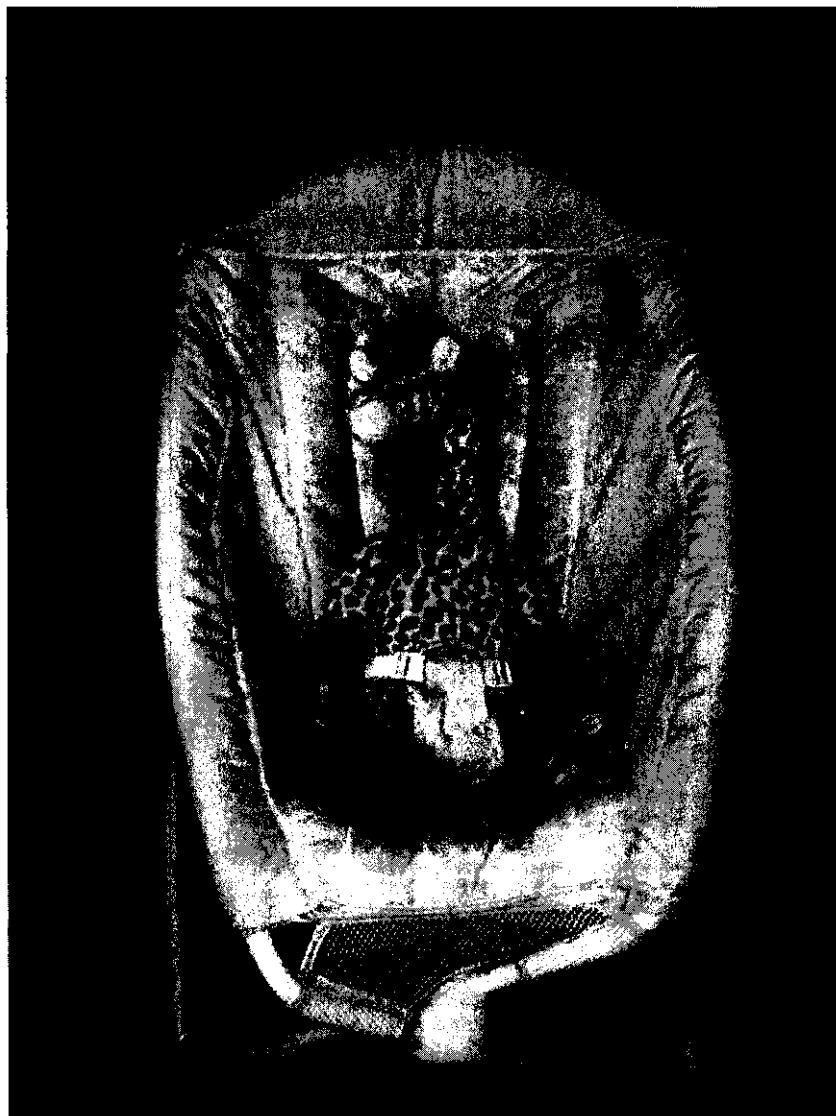
Photograph 12(a)



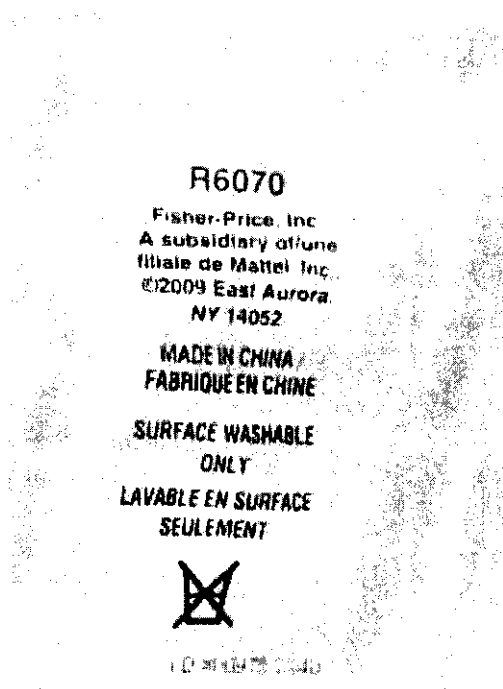
Photograph 12(b)



Photograph 12 (a-b): The three-point restraint for the infant's legs. The seat does not have a shoulder restraint.



Photograph 13: The PSI could not photograph the infant inside the product because he was sleeping. The complainant reports the giraffe is approximately the same height as her son.



Photograph 14: Labeling on the seat insert.



Photograph 15: Labeling reads, "R6070 FISHER PRICE, INC. A SUBSIDIARY OF © 2008 MATTEL, INC. EAST AURORA, NY 14052 CHINA PATENT PENDING."

U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

☐

I request that you do not release my name. My identity is to remain confidential.

☒

You may release my name to the manufacturer but I request that you do not release it to the general public.

☐

You may release my name to the manufacturer and to the public.

(b)(6)

(Signature)

(Date)

1-5-11

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CONSUMER PRODUCT SAFETY COMMISSION PRODUCT SAFETY ASSESSMENT TECHNICAL EVALUATION DIVISION FOR HEALTH SCIENCES DRAFT - FOR OFFICIAL USE ONLY - DRAFT	PSA No:	0481.12
	CASE No:	PI110066
	REQUESTER:	(b)(6)
	SAMPLE No:	
	CPSC SEAL:	
	IDI No:	
FIRM: Fisher-Price, Inc.		
PRODUCT: Fisher-Price Rock 'n Play Sleeper		
POTENTIAL HAZARD: Concern of infant's developing head plagiocephaly and/or neck torticollis from sleeping in product. Also development of mold in plastic liner could be harmful to infants.		
INCIDENTS: see below review		
REQUEST: Provide a written report assessing the mold issue with this product as it relates to current research and literature. Also include staff's assessment of the firm's study disputing the hazards of mold in this product.		
PREPARED BY: Treye Thomas, PhD, Toxicologist, 301-504-7738		DATE: 4/24/2012
REVIEWED BY: Jason R. Goldsmith, Ph.D., Physiologist		DATE: 4/24/2012

Assessment of Mold Hazards - Fisher-Price Rock 'n Play Sleeper

Background

The Newborn Rock 'n Play Sleeper is an elevated rocking seat for newborns. The seat is inclined and has a plastic insert within its fabric and mesh seat sling to provide support to the infant. A separate, removable, machine washable soft goods pad is provided for the seat. The seat also includes a 3-point restraint strap and is intended for infants up to six months of age. Between April 2010 and February 1, 2012, there have been 57 total reports to CPSC involving the Rock 'N Play sleep/recliner by Fisher Price. Within this total, caregivers reported infants using this product developed head flatness, often diagnosed as plagiocephaly and/or neck torticollis in 32 of the total incidents. Also, caregivers reported black mold growing between the plastic liner and washable pad in 19 of the total reports received.

(b)(5)

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Summary

Health Sciences (HS) staff have conducted a preliminary assessment of available data to determine whether the Fisher-Price (FP) Rock 'n Play (RNP) Sleeper presented a health hazard based on the presence of mold. In making this assessment, staff evaluated the FP-provided data to ascertain whether mold can grow on the product, and reviewed available published literature regarding the potential health effects of mold, and whether mold is likely to cause health effects in infants who sleep on the product. Attachment 1 provides a summary of available data on the potential health effects of mold.

Mold is a fungus that is found in both indoor and outdoor environments. The number of species of fungi is unknown; however, it is estimated to be in the range of tens of thousands to hundreds of thousands, and mold exposure has been associated with a variety of health effects, including irritant and allergic reactions, such as asthma and other respiratory conditions¹. Available data indicates that exposure to dampness and mold in buildings poses significant public health and economic risks in the USA. Of the 21.8 million people reported to have asthma in the USA, approximately 4.6 (2.7-6.3) million cases are estimated to be attributable to dampness and mold exposure in the home². The national annual cost of asthma that is attributable to dampness and mold exposure in the home is estimated to be \$3.5 billion (\$2.1-4.8 billion).

(b)(5)

Federal agencies, including the Centers for Disease Control and Prevention (CDC) and the Environmental Protection Agency (EPA), have issued warnings and guidance documents on the dangers of mold in the home and strategies to reduce mold exposures, particularly to children³. Although these recommendations largely focus on mold in interior spaces (for example a home or office environment), there is no reason to assume that remediation is not appropriate for consumer products that are found to have mold growth. Consumer exposure to mold on a product may be more frequent and direct than exposures that might occur in a building setting, making remediation even more important for products with mold contamination.

(b)(5)

Fisher-Price provided two sources of data on mold and other microbial contamination of RNP sleepers:

(b)(4); (b)(3); CPSA Section 6(a); (b)(3); CPSA Section 6(b)

(b)(4); (b)(3); CPSA Section 6(a); (b)(3); CPSA Section 6(b)

¹ <http://www.epa.gov/mold/index.html>

² Mudarri D, Fisk WJ. 2007. Public health and economic impact of dampness and mold. Indoor Air 17(3): 226-235.

³ <http://www.cdc.gov/mold/basics.htm>

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(b)(5)

(b)(4); (b)(3):CPSA Section 6(a); (b)(3):CPSA Section 6(b)

(b)(4); (b)(3):CPSA Section 6(a); (b)(3):CPSA Section 6(b)

(b)(4); (b)(3):CPSA Section 6(a); (b)(3):CPSA Section 6(b)

Upon reviewing these studies, HS staff concludes (b)(5)

(b)(5)

Conclusion

(b)(5)

⁴ Meeting between CPSC staff and Fisher-Price staff

⁵ Mendell et.al. (2011). Respiratory and Allergic Health Effects of Dampness, Mold, and Dampness Related Agents: A Review of the Epidemiologic Evidence. Environmental Health Perspectives 119:748-756.

⁶ Full maturation of the lungs doesn't occur until 6 to 8 years of age, and maturation of the immune system not until puberty. Current research suggests that due to environmental exposure, abnormalities of lung structure and function already exist in infants who will subsequently develop asthma, a major public health problem.

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of existing respiratory illnesses. This is of particular concern given the duration of time the infant may be in contact with this product and the vulnerability of this population.