



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

CHAIR ALEXANDER D. HOEHN-SARIC

April 12, 2023

Mr. Ynon Kreiz
Chairman and CEO
Mattel Inc.
333 Continental Boulevard
El Segundo, CA 90245

Dear Mr. Kreiz:

I am writing to urge Mattel, and its subsidiary Fisher Price, to take new steps to protect babies from the hazard posed by recalled Rock n' Play infant sleepers. As you know, these sleepers are associated with approximately 100 infant deaths. While the sleeper recall was widely publicized at the time it was announced in 2019, babies have continued to die in these products. In fact, eight infant deaths are known to have occurred in these sleepers since the recall was first announced.

Despite the publicity about the hazard and the reannouncement of the recall on January 9, 2023, these products are still widely available on the secondary market even though it is unlawful to resell a recalled product. Over a 13-month period from February 7, 2022, through March 7, 2023, CPSC surveillance staff issued 3,981 takedown requests for listings of Fisher Price Rock 'n Play inclined sleepers. That is an average of 306 takedowns per month, or approximately 10 requests per day. Given the small size of CPSC's surveillance team and our limited resources compared to growing volume and number of websites selling secondhand products, it is highly unlikely that CPSC has been able to identify all the Fisher Price Rock 'n Play inclined sleepers sold online. Most of these listings are on Facebook Marketplace, and I am writing to Meta today as well, urging that company to take stronger steps to stop recalled consumer products like the Fisher Price Rock 'n Play from being sold illegally on their platform.

Unfortunately, it is clear that in this case, recall reannouncements alone are not enough to prevent the continuing sale and use of these products. The pace of listings for the Rock 'n Play on the secondary market has not slowed since the recall was reannounced in January. More needs to be done to fully remove Rock 'n Play sleepers from the second-hand marketplace and from consumers' homes.

CPSC staff have found that the average listed price of a Rock 'n Play sleeper on the secondary market is about \$25 which is more than some consumers can receive if they act on the recall. The persistent secondary marketplace for Rock 'n Play sleepers indicates that consumers either remain unaware that the Fisher Price Rock 'n Play has been recalled or believe selling the recalled product on the secondary market is a better choice than acting on the recall remedy Fisher Price currently provides.

Fisher Price clearly has not done enough to incentivize consumers to act upon the recall. Nor have the company's actions deterred a secondary market for this product. It is incumbent on Fisher Price to motivate consumers to stop using the Rock 'n Play and to destroy unused Rock 'n Plays that may be in their homes. A refund of the full purchase price of *all* Rock 'n Plays would be a good start in achieving these outcomes.

Four years and at least eight infant deaths later, it is time to fully remove these products from the marketplace. I urge you to announce the recall once again, but this time with a more robust remedy that creates a strong incentive for consumers to destroy the products and a marketing budget to ensure that consumers are aware of the recall incentive.

Please work with CPSC's compliance staff to develop an appropriate strategy.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex D. Hoehn-Saric". The signature is fluid and cursive, with the first name "Alex" and last name "Saric" being more prominent.

Alexander Hoehn-Saric
Chair