



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207  
MINUTES OF COMMISSION MEETINGS

September 21, 1983

Third Floor Hearing Room  
1111 - 18th Street, N. W.  
Washington, D.C.

The September 21, 1983, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Nancy Harvey Steorts. Commissioners Terrence Scanlon, Edith Barksdale Sloan, Stuart M. Statler and Sam Zagoria were present.

Before moving to the agenda, Commissioner Zagoria read a statement concerning the Commission vote to convene a Chronic Hazard Advisory Panel on formaldehyde that was taken at the September 15, 1983, Commission meeting at which he was not present. Commissioner Sloan, who also was not present at that meeting, stated that she would be issuing a written statement on the matter. Chairman Steorts requested the General Counsel to prepare a memorandum of advice on the procedural issues relating to the meeting.

Agenda Matters.

1. Metal Factory-Built Chimneys.

The staff briefed the Commission on activities relating to the investigation of fire-safety problems associated with certain metal factory-built chimneys. Included in the briefing were discussions of industry-submitted fire data, current industry activities, planned CPSC investigations, plans for updating CPSC's April 1983 consumer safety alert and options for regulatory action. Staff reported that its previous recommendation to issue an advance Notice of Proposed Rulemaking is still the staff's recommendation, except that the majority of staff believes a decision to take this action should be deferred until further investigations are completed. The Commission will consider the matter of regulatory options at a future Commission meeting.

Closed to the Public.

2. Enforcement Matter: Mesh-Sided Cribs and Playpens (OS #5083)

Meeting then in closed session, the Commission decided by a vote of 4-1 to authorize the staff to issue an administrative complaint for public notice and remedial action against nine manufacturers of mesh-sided cribs and playpens under Section 15 of the Consumer Product Safety Act. Commissioner Scanlon voted not to authorize the complaint and to direct staff to organize a joint CPSC/Juvenile Products Manufacturing Association press conference and to accept industry's additional corrective action plan. Commissioner Scanlon filed a brief statement of his views with the Office of the Secretary. (Attached)

3. Enforcement Matter (OS #3391)

The Commission considered issues relating to enforcement matter OS #3391, and provided instructions to the staff.

4. Commission Policy on Separate Opinions

The Commission reviewed the procedures it will use to note separate or dissenting opinions in Federal Register notices and press releases. The Office of the General Counsel is to issue a statement of the procedures adopted by the Commission. \*

There being no further business on the agenda, Chairman Steorts adjourned the meeting.

For the Commission:

October 18, 1983  
Dated

Sadye E. Dunn  
Sadye E. Dunn  
Secretary

Attachment

\* See attached, November 14, 1983, General Counsel Memorandum



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

SEPARATE VIEWS OF COMMISSIONER SCANLON ON ENFORCEMENT MATTER (#05083)  
ON MESH SIDED CRIBS/PLAYPENS

Commissioner Scanlon voted not to authorize the complaint and wanted to direct the staff to organize a joint Consumer Product Safety Commission/Juvenile Products Manufacturing Association Press Conference, and to accept and work with industry's additional corrective action plan as outlined in the September 20, 1983, Juvenile Products Manufacturing Association's counsel letter. This would provide adequate notice to the consumers of the potential hazard, without the adversarial litigation if a complaint were issued, which complaint would make cooperative efforts impossible and in the long run deny adequate notice to the public. This vote was based upon information before the Commission at this time.

19. The sides of the cribs can be lowered and are known as "dropsides."

20. The cribs bear no labels warning of suffocation or asphyxiation hazards.

21. The cribs were produced or distributed for sale to consumers for use by infants and young children (children) in or around permanent or temporary households or residences, in recreation or otherwise, or for the personal use, consumption, or enjoyment of children in or around a permanent or temporary household or residence, in recreation, or otherwise.

22. The cribs are "consumer products" within the meaning of section 3(a)(1), CPSA, 15 U.S.C. 2052(a)(1).

#### *Substantial Product Hazard*

23. When a side of a crib is down, the mesh of that side forms a loose pocket which can extend beyond and below the floor of the crib.

24. When a side of a crib is down, there is no barrier to prevent a child from falling off the floor of the crib.

25. Children can and have fallen off the floor of a crib with a side down into the loose mesh pocket.

26. Children caught or trapped in the mesh pocket of a lowered side can and have been killed by lack of air due to compression of the chest or obstruction of the nose and/or mouth or by other causes.

27. Children entrapped in the mesh pocket of a lowered side can suffer brain damage or other injury caused by lack of air and/or compression.

28. Three children are known to have died in cribs manufactured by Respondent Pride-Trimble when they became entrapped in the mesh pocket formed by a lowered side.

29. One child is known to have died in a crib manufactured by Respondent Century Products, Inc. when she became entrapped in the mesh pocket formed by a lowered side.

30. One child is known to have suffocated to death in the mesh pocket formed by the lowered side of a crib similar to those manufactured by Respondents Pride-Trimble and Century.

31. Six children are known to have been killed in the same manner in dropside mesh-sided playpens.

32. In addition, one child is known to have stopped breathing and required emergency treatment when she became entrapped in the mesh pocket of a lowered side of a crib manufactured by Respondent Pride-Trimble.

33. The dropsides of the cribs are a defect in the cribs within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

34. The mesh pocket formed by a side when it is down is a defect in the cribs

within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

35. The lack of a barrier to prevent children from falling off the floor of the cribs when a side is lowered is a defect in the cribs within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

36. Parents and others such as baby sitters are unaware of the asphyxiation hazards presented by a crib with a side that is down.

37. The cribs contain no warnings that a side that is lowered presents asphyxiation hazards.

38. Warnings accompanying the cribs are inadequate to give notice of the asphyxiation hazards presented by a lowered side.

39. The failure to provide warnings and the lack of adequate warnings are defects in the cribs within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

40. The defects in the cribs either singly or in combination or both, create a substantial risk or risks of injury because of the thousands of cribs distributed by Respondents Pride-Trimble and Century; the dropsides which are present in all the cribs; the lowering of the dropsides that will take place in the reasonable and foreseeable use and misuse of the cribs; the five children who have already been killed by becoming entrapped in the lowered mesh sides of dropside mesh-sided cribs; and the deaths and injuries that can and will occur in the future.

41. The cribs present a substantial product hazard or hazards within the meaning of sections 15 (a), (c), and (d) of the CPSA, 15 U.S.C. 2064 (a), (c), and (d).

#### **Count II—Playpens**

42. The allegations of paragraphs 1-11, 13, and 14 are hereby realleged.

#### *The Consumer Products*

43. Respondent Pride-Trimble manufactured over three million dropside mesh-sided playpens prior to May 1983.

44. Each Respondent manufactured thousands of dropside mesh-sided playpens prior to 1983 and manufactured and/or distributed the playpens during some portion of 1983.

45. The dropside mesh-sided playpens manufactured by Respondents (hereafter playpens) have a base or floor made of pressed wood, masonite, or a similar material that measures approximately 40" x 40" or 36" x 36" and non-adjustable legs which raise them approximately six inches from the floor of a room. The playpens can be folded and are portable.

46. The sides of the playpens can be lowered and are known as "dropsides."

47. The playpens bear no labels warning of suffocation or asphyxiation hazards.

48. The playpens were produced or distributed for sale to consumers for use by infants and young children (children) in or around permanent or temporary households or residences, in recreation or otherwise, or for the personal use, consumption or enjoyment of children in or around a permanent or temporary household or residence, in recreation, or otherwise.

49. The playpens are "consumer products" within the meaning of section 3(a)(1), CPSA, 15 U.S.C. 2052(a)(1).

#### *Substantial Product Hazard*

50. When a side of a playpen is down, the mesh of that side forms a loose pocket which can extend beyond and below the floor of the playpen.

51. When a side of a playpen is down, there is no barrier to prevent a child from falling off the floor of the playpen.

52. Children can and have fallen off the floor of a playpen with a side down into the loose mesh pocket.

53. Children caught or trapped in the mesh pocket of a lowered side can and have been killed by lack of air due to compression of the chest or obstruction of the nose and/or mouth or by other causes.

54. Children entrapped in the mesh pocket of a lowered side can suffer brain damage or other injury caused by lack of air and/or compression.

55. Two children are known to have died in playpens manufactured by Respondent Pride-Trimble when they became entrapped in the mesh pockets formed by lowered sides.

56. Two children are known to have died in playpens manufactured by Respondent Questor when they became entrapped in the mesh pockets formed by lowered sides.

57. One child is known to have died in a playpen manufactured by Respondent Century Products, Inc. when he became entrapped in the mesh pocket formed by a lowered side.

58. One child is known to have suffocated to death in the mesh pocket formed by the lowered side of a playpen manufactured by one of Respondents or similar to those manufactured by Respondents.

59. Five children are known to have been killed in the same manner in dropside mesh-sided cribs.

60. In addition, one child is known to have lowered her head into the mesh pocket formed by the lowered side of a

Corporation, a corporation; Strolee of California, a.k.a. California Strolee, Inc., a corporation; and Welsh Company, Inc., a corporation.

#### Compliant

##### *Nature of the Proceedings*

1/ This is an adjudicative proceeding for public notice and remedial action for a substantial product hazard or hazards pursuant to section 15 of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2064, and in accordance with 48 FR 34018. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR Print 1025 (1982).

##### *Jurisdiction*

2. This proceeding is instituted pursuant to section 15 of the CPSA, 15 U.S.C. 2064.

##### *Respondents*

3. Respondent Bilt-Rite Juvenile Products, Inc. (Bilt-Rite or Respondent) is a corporation organized and existing under the laws of the State of New York with corporate offices at 71 Blaisdel Rd., Orangeburg, New York 10962 and is a wholly owned subsidiary of Gerber Products Co., Inc., Fremont, Michigan.

4. Respondent Century Products, Inc. (Century or Respondent) is a corporation organized and existing under the laws of the State of Ohio with corporate offices at 1366 Commerce Drive, Stow, Ohio, 44224 and is a wholly owned subsidiary of Gerber Products Co., Inc., Fremont, Michigan.

5. Respondent Collier-Keyworth Co., Inc. (Collier-Keyworth or Respondent) is a corporation organized and existing under the laws of the State of Massachusetts with corporate offices at 1 Tuttle Place, Gardner, Mass. 01440.

6. Respondent Cosco, Inc. (Cosco or Respondent) is a corporation organized and existing under the laws of the State of Indiana with corporate offices at 2525 State St., Columbus, Indiana 47201.

7. Respondent Graco Metal Products, Inc. (Graco or Respondent) is a corporation organized and existing under the laws of the State of Pennsylvania 19520.

8. Respondent Pride-Trimble Corporation (Pride-Trimble or Respondent) is a corporation organized and existing under the laws of the State of California with corporate offices at 539 W. Rosecrans, Gardena, California, 90248 and is a wholly owned subsidiary of Virco Mfg. Corporation, Los Angeles, California.

9. Respondent Questor Corporation (Questor or Respondent) is a corporation organized and existing

under the laws of the State of Delaware with corporate offices at 5750 North Hoover Blvd., Building A, Tampa, Florida, 33631.

10. Respondent Strolee of California (also known as California Strolee, Inc.) (Strolee of California or Respondent) is a corporation organized and existing under the laws of the State of California with corporate offices at 19067 S. Reyes Ave., Compton, California, 90221.

11. Respondent Welsh Company, Inc. (Welsh or Respondent) is a corporation organized and existing under the laws of the State of Missouri with corporate offices at 1535 S. 8th St., St. Louis, Missouri, 63104.

12. Respondents Century Products, Inc. and Pride-Trimble Corporation manufactured and distributed in commerce certain dropside mesh-sided cribs, identified more fully below, which are "consumer products" within the meaning of sec. 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1) (1982).

13. Respondents Bilt-Rite Juvenile Products, Inc., Century Products, Inc., Collier-Keyworth Co., Inc., Cosco, Inc., Graco Metal Products, Inc., Pride-Trimble Corporation, Questor Corporation, Strolee of California (aka California Strolee, Inc.), and Welsh Company, Inc., manufactured and distributed in commerce certain dropside mesh-sided playpens (also known as play yards), identified more fully below, which are "consumer products" within the meaning of sec. 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

14. Respondents are "manufacturers" of "consumer products" which have been "distributed in commerce," as those terms are defined in sections 3(a), (1), (4), (8), (11), and (12) of the CPSA, 15 U.S.C. 2052(a) (1), (4), (8), (11), and (12) (1982).

#### Count One—Cribs

15. The allegations of paragraphs 1, 2, 4, 8, 12, and 14 are hereby realleged.

#### *The Consumer Products*

16. From about 1958 to and including some portion of 1980, Respondent Pride-Trimble manufactured over one million dropside mesh-sided cribs.

17. Prior to and during some portion of 1980, Respondent Century Products, Inc. manufactured approximately 34,500 to 44,500 dropside mesh-sided cribs.

18. The cribs manufactured by Respondents (hereafter, cribs) have a base or floor made of pressed wood, masonite, or a similar material that measures approximately 40" x 28", and extendable legs which can raise them about 20" from the floor of a room. The cribs can be folded and are portable.

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 83-4]

### Bilt-Rite Juvenile Products, Inc., et al.; Complaint

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of a compliant under the Consumer Product Safety Act

**SUMMARY:** Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the Federal Register Complaints which it issues. Printed below is a Complaint in the matter of Bilt-Rite Juvenile Products, Inc., et al., a corporation.

Dated: September 23, 1983.

Sheldon D. Butts,  
Deputy Secretary.

### Consumer Product Safety Commission

[CPSC No. 83-4]

In the matter of Bilt-Rite Juvenile Products, Inc., a corporation; Century Products, Inc., a corporation; Collier-Keyworth Co., Inc., a corporation; Cosco, Inc., a corporation; Graco Metal Products, Inc., a corporation; Pride-Trimble Corporation, a corporation; Questor

LaLeche League International, 9816 Minneapolis Street, Franklin Park, Illinois 60131 (312) 455-7730  
 National Association of Neighborhood Health Centers, Inc., 1825 "T" Street NW., Suite 401, Washington, D.C., (202) 833-9280  
 National Council of Jewish Women, 15 East 28th Street, New York, New York 10010  
 National Council of Churches, 110 Massachusetts Avenue NE., Washington, D.C. 20002, (202) 544-2350  
 National Council of Catholic Women, 1312 Massachusetts Avenue NW., Washington, D.C. 20005, (202) 638-6050  
 National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611  
 USDA Extension Service, Family Education, Washington, D.C. 20250, (202) 447-2920

**Content To Be Included in All Notice Given**

**1. Mesh-sided dropside cribs and**

playpens are hazardous when used with a side down.

2. Eleven young children have died in these products when left in them with a side down; six children in playpens and five children in cribs. Seven of the victims were six weeks old or younger.

3. The victims rolled off the floor of the crib or playpen into the loose mesh pocket formed by a lowered side and suffocated.

4. Children could also suffer other injury such as brain damage as the result of becoming caught in the mesh pocket of a lowered side.

5. Children are unable to cry out when caught in the mesh pocket because they cannot breathe.

6. Do not leave children in mesh-sided cribs and playpens with a side down.

7. Consumers who have a mesh-sided crib or playpen or both can obtain a repair, replacement, refund (whatever remedial measures are offered) by contacting the manufacturer at: (list names of manufacturers, brand names, and telephone numbers).

8. Further information can be obtained by calling the Consumer Product Safety Commission on its toll-free Hotline: 800-638-CPSC (in Maryland, 800-492-8104). The teletypewriter number for the hearing impaired is 800-638-8270.

In the matter of Bilt-Rite Juvenile Products, Inc., et al.

**List and Summary of Documentary Evidence**

In-depth investigation or other source	DOA and victim	Injury and accident	Manufacture
<i>Mesh-Sided Cribs</i>			
1. ND 74-74, Balti. Md.	9/18/73, 8 wks. old	Death. Infant lying face down wedged between bottom of crib and mesh side.	Cross River.
2. 7705048EP7014, Art., Va.	4/19/77, 1 mo. old male, 12 lbs.	Death. Baby found lying face down. Mattress on top of him. Side down.	Pride-Trumble.
3. 780518PHI0718, Balti., Md.	4/27/78, 8 wk. old female, 11 lbs.	Death. Baby found face up with head wedged between mattress and siding. Side down.	Century Products.
4. Consumer Complaint, H-886018, Leonard, Md.	6/78, 6 mo. old female	Stopped breathing. Given mouth-to-mouth resuscitation and recovered.	Pride-Trumble.
5. 781129CEP0771, Old Bridge, N.J.	11/21/78, 2 wk. old female; 8 lbs.	Death. Head wedged in 2" wide depression between mattress and side netting. Pressure mark on right side of face. Baby found face down. Forehead laceration. Side down partially.	Pride-Trumble.
6. 820629HIA1262, Fairfax County, Va.	5/28/82, 25 day old male	Death. Infant lying on left side, head twisted to right. Abrasion on right side of face.	Pride-Trumble.
<i>Mesh-Sided Play Pens</i>			
1. 821128HIA1071, Virginia Beach, Va.	6/21/79, 3 wk. old female, 9 lbs.	Death. Baby found face down; head wedged between mattress and side of playpen.	Pride-Trumble.
2. 820803HIA1298, Lewiston, Me.	4/28/82, 3 1/2 mo. old, male	Death. Baby found face down in pocket of loose mesh. Face wedged between bottom and mesh. Face pressed against plastic draft shield. Side down.	Pride-Trumble.
3. 820819HIA3178, Missoula, Mont.	8/15/82, 2 1/2 mo. old, male; 13 lbs.	Death. Baby found lying center of play yard, lying on left side with right side of chest and abdomen pressed against edge of floor board. Side down.	Questor.
4. 830223CEP1093, Front Royal, Va.	11/7/82, 3 mo. old female	Head became lowered into mesh pocket when side was down. Baby cried out and was picked up by parents. No injury.	Cosco, Inc.
5. 830506CBB3082, Dallas, Tex.	5/3/83, 6 mo. old male	Death. Infant rolled into mesh pocket. Found face down. Mesh imprint on chest and head.	Century Products.
6. 830511DAL5085, Dallas, Tex.	5/7/82, 6 wk. old male; 12.9 lbs.	Death. Child wedged in mesh. Pressure marks on face and body of mesh and floorboard.	Questor.
7. 830513DAL5098, Dallas, Tex.	5/19/81, 3 mo. old female; 12 lbs., 10 1/2 oz.	Death. Child wedged between floorboard and mesh.	

**CONSUMER PRODUCT SAFETY  
COMMISSION****[CPSC Docket No. 83-1]****Bilt-Rite Juvenile Products, Inc., et al;  
Correction****AGENCY: Consumer Product Safety  
Commission.****ACTION: Publication of a Complaint  
under the Consumer Product Safety Act;  
Correction.****SUMMARY: This document corrects the  
complaint that appeared at page 44605  
in the Federal Register of Thursday,  
September 29, 1983, (48 FR 44605). The  
action is necessary to add Attachments  
1 and 2, and List and Summary of  
Documentary Evidence.****Dated: October 19, 1983.****Sadye E. Dunn,  
Secretary.****Organizations To Contact**

- American College of Obstetricians and  
Gynecologists (ACOG), 600 Maryland  
Avenue SW., Washington, D.C. 20024, (202)  
638-5577
- International Childbirth Education  
Association (ICEA) P.O. Box 20048,  
Minneapolis, Minnesota 55420
- National Association of Parents and  
Professionals For Safe Alternatives in  
Childbirth (NAPASC), P.O. Box 267, Marble  
Hill, Missouri 63764
- The Bradley Method, P.O. Box 5224, Sherman  
Oaks, California 91413, (800) 423-2397 or  
(213) 788-6662
- The Couple to Couple League International,  
Inc., P.O. Box 11084, Cincinnati, Ohio 45211
- American Society for Psychoprophylaxis in  
Obstetrics (ASPO/Lamaze), 1411 K Street  
NW., Washington, D.C. 20005
- Parent and Child, Inc. (Washington  
Metropolitan Area), 4905 Delray Avenue,  
Suite 304, Bethesda, Maryland 20814, (301)  
652-5383
- American Academy of Pediatrics, 1801  
Hinman Avenue, Evanston, Illinois 60204,  
(312) 869-4255
- American Association for Maternal and Child  
Health, P.O. Box 985, Los Altos, California  
94022, (415) 964-4575
- American Home Economics Association, 2010  
Massachusetts Avenue NW., Washington,  
D.C. 20063, (202) 862-8300
- American Legion Auxiliary Children and  
Youth Committee, 777 N. Meridian Street,  
Indianapolis, Indiana 46204, (317) 635-8411
- American National Red Cross, 17th and D  
Streets NW., Washington, D.C. 20006, (202)  
737-8300
- American Public Health Association, 1015  
15th Street NW., Washington, D.C. 20005,  
(202) 789-5600
- Coalition for Children and Youth, 815 15th  
Street NW., Washington, D.C. 20005, (202)  
347-9380
- Day Care and Child Development Council of  
America, 711 14th Street NW., Suite 507,  
Washington, D.C. 20005, (202) 638-2318

playpens manufactured by Respondent Cosco, Inc.

61. The dropsides of the playpens are a defect in the playpens within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

62. The mesh pocket formed by a side when it is down is a defect in the playpens within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

63. The lack of a barrier to prevent children from falling off the floor when a side is lowered is a defect in the playpens within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

64. Parents and others, such as baby sitters, are unaware of the asphyxiation hazards presented by a playpen with a side that is down.

65. The playpens bear no warnings that a side that is lowered presents asphyxiation or suffocation hazards.

66. Warnings accompanying the playpens are inadequate to give notice of the asphyxiation hazards presented by a lowered side.

67. The failure to provide warnings and the lack of adequate warnings are defects in the playpens within the meaning of section 15(a)(2), CPSA, 15 U.S.C. 2064(a)(2).

68. The defects in the playpens, either singly or in combination or both, create a substantial risk or risks of injury because of the thousands of playpens distributed by each Respondent; the dropsides which are present in all the playpens; the lowering of the dropsides that will take place in the reasonable and foreseeable use and misuse of the playpens; the six children who have already been killed by becoming entrapped in the lowered mesh sides of dropside mesh-sided playpens; and the deaths and injuries that can and will occur in the future.

69. The playpens present a substantial product hazard or hazards within the meaning of sections 15 (a), (c), (d), CPSA, 15 U.S.C. 2064 (a), (c), and (d).

#### *Relief Sought*

Wherefore, Complaint Counsel requests the Commission to:

A. Determine that the cribs and playpens present a substantial product hazard or hazards within the meaning of sec. 15(a)(2), 15 U.S.C. 2064(a)(2), and that notification under sec. 15(c) of the CPSA, 15 U.S.C. 2064(c), is required to adequately protect the public and

1. Order Respondents to give public notice of the defect or defects in the cribs and playpens by

(a) Mailing posters and notices to obstetricians, and the maternity wards of hospitals nationwide

(b) Mailing notice to parents of children 21 months or younger;

(c) Placing paid television and radio advertisements on national network and local stations during prime adult viewing and listening time;

(d) Holding a press conference;

(e) Mailing notice to TV stations, radio stations, newspapers, wire services, trade publications, and health organizations;

(f) Placing paid advertisements half a page in size for three consecutive issues in the following magazines: TV Guide, Parents Magazine, Woman's Day, Good Housekeeping, Essence, Consumer Reports, Mothers Manual, American Baby, Baby Talk Magazine, and Expecting Parents Magazine;

(g) Mailing notice to the organizations specified in Attachment 1;

(h) Providing posters at least 11" by 22" to all retail customers with at least one poster for each retail outlet;

(i) Providing posters at least 11" by 22" to all wholesale customers for distribution to their retail customers with at least one poster for each retail outlet of each retail customer;

(j) Mailing notice to day care centers; and

(k) Sending a representative to contact reporters and other appropriate media personnel in each of the largest 26 cities in the United States;

2. Order Respondents to mail notice to each distributor and retailer of any of the cribs and playpens;

3. Order Respondents to mail notice to every person to whom they know a crib or playpen was delivered or sold;

4. Order Respondents to give all notice with at least the content specified in Attachment 2.

B. Determine that the cribs and/or playpens present a substantial product hazard or hazards and that action under section 15(d) of the CPSA, 15 U.S.C. 2064(d), is in the public interest and order Respondents to

1. Repair the defects in the cribs and playpens, replace the cribs and playpens with like or equivalent products which do not contain the defects, or refund the purchase price of the cribs and playpens, or provide repair, replacement, or refunds as alternative remedies and

2. Submit a plan satisfactory to the Commission within 15 days of issuance of an order for taking the actions specified in paragraph B. 1 above.

C. Prohibit Respondents from manufacturing the cribs and playpens for sale, offering them for sale, distributing them in commerce, and importing them into the customs territory of the United States.

D. Order Respondents to reimburse each person for any reasonable and foreseeable expenses incurred in

availing himself of any of the remedies in paragraph B.

E. Determine that reimbursement is in the public interest and order Respondents to reimburse all distributors and retailers for their expenses in connection with carrying out the order or orders of the Commission mandating the actions in paragraphs A and/or B including giving credit or refunds for returned inventory and paying transportation expenses.

F. Order Respondents to keep records of their actions taken to comply with paragraphs A through E and supply these records and extracts from these records to Commission staff for a period of three years after entry of each Commission order in this proceeding to establish compliance with the actions ordered.

G. Order Respondents to notify the Commission at least 60 days prior to any change in their business (such as incorporation, dissolution, assignment, sale, or declaration of bankruptcy) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, the dissolution of the corporation, or any other change that might affect compliance obligations under any Commission order for a period of three years after issuance of each order in this proceeding.

H. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued by order of the Consumer Product Safety Commission.

Dated: September 21, 1983.

David Schmeltzer,

*Associate Executive Director for Compliance and Administrative Litigation.*

[FR Doc. 83-28506 Filed 9-28-83; 8:45 am]

BILLING CODE 6355-01-M



