



**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
**WASHINGTON, DC 20207**

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

Commissioners Voting:    Chairman Hal Stratton  
                                     Commissioner Thomas H. Moore  
                                     Commissioner Mary Sheila Gall

**ITEM:**

E&B Giftware, LLC, \$100,000: Civil Penalty Settlement  
(Briefing package dated December 31, 2003, OS No. 3077)

**DECISION:**

The Commission voted unanimously (3-0) to provisionally accept a Settlement Agreement and Order, which would order E&B Giftware, LLC to pay a civil penalty of \$100,000. The Commission Compliance staff has alleged that E&B failed to timely report to the Commission that the candles could burn consumer by flaring up and releasing superheated wax. E&B violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

  
Todd A. Stevenson  
Secretary

\* Ballot vote due January 13, 2004