



Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander D. Hoehn-Saric
 Commissioner Dana Baiocco
 Commissioner Peter A. Feldman
 Commissioner Richard Trumka Jr.

ITEM:

Vote to Issue Administrative Complaint Against Leachco, Inc.
(Briefing package dated February 8, 2022, OS No. 0111)

DECISION:

The Commission voted (3-1) to authorize issuance of a Complaint, attachment B of the briefing package, against Leachco, Inc., seeking mandatory remedies under section 15(c) and (d) of the Consumer Product Safety Act (“CPSA”), for certain infant products manufactured by Leachco. Included in the complaint are products alleged to present a substantial product hazard: the Podster, Podster Plush, Bummzie and Podster Playtime infant loungers (“Subject Products”). The CPSA defines a substantial product hazard at 15 U.S.C. § 2064(a)(2).

Chair Hoehn-Saric, Commissioners Feldman and Trumka voted to authorize issuance of the Complaint. Commissioners Feldman and Trumka filed statements with their votes.

Commissioner Baiocco voted to take other action as follows:

“File the Complaint once staff has appropriate data to support the action. Pleading that the product is not marketed for sleep, that parents do not use the product as intended and in direction contravention of the warnings, calls into question the legal sufficiency of the Complaint.”

For the Commission:

Alberta Mills
Secretary



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Consumer Product Safety Commission
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*Ballot vote due February 9, 2022, at 12:00p.m.

Attachments:

Statement by Commissioner Feldman

Statement by Commissioner Trumka

**U.S. Consumer Product
Safety Commission**
4330 East-West Highway
Bethesda, MD 20814

**National Product Testing
& Evaluation Center**
5 Research Place
Rockville, MD 20850



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN
ON VOTE TO ISSUE ADMINISTRATIVE COMPLAINT AGAINST LEACHO, INC.
FEBRUARY 9, 2022**

Today, the United States Consumer Product Safety Commission (CPSC) voted to issue an administrative complaint in a case where the Commission has reason to believe that the product at issue presents a substantial product hazard. This complaint follows the Commission's issuance of a [safety warning](#) about the product and a Health and Safety Finding to shorten the notice period required under our statute.

For too long, CPSC has not used all of the tools available to it when dealing with product safety enforcement matters. The Consumer Product Safety Act enables the Commission to provide unilateral warnings and also to litigate mandatory product recalls. Consumers deserve transparency about known product hazards. Consumers also deserve products that are safe. Companies deserve an opportunity to defend themselves in court.

I have long advocated that the Commission use its full complement of resources to protect American consumers. In my view, if a matter is serious enough for the Commission to issue a Health and Safety Finding to truncate the 6(b) process, it may be necessary to pair such public warnings with administrative litigation, as we have done here.



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
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COMMISSIONER RICH TRUMKA JR.

**STATEMENT OF COMMISSIONER RICH TRUMKA JR. ON APPROVAL OF
ADMINISTRATIVE SUIT AGAINST LEACHCO, INC., MAKER OF THE PODSTER
AND BUMMZIE INFANT LOUNGERS**

February 9, 2022

Today, the Commission voted in favor of agency staff suing Leachco to force a recall of its Podster and Bummzie infant loungers. There is a reasonable basis to believe that CPSC staff can prove that the loungers present a substantial product hazard.

Today's suit should be a signal that this Commission is serious about protecting consumers. When companies refuse to recall products deemed deadly by CPSC staff, they should expect an administrative complaint to quickly follow.