



United States  
**Consumer Product Safety Commission**

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:      Chair Alex Hoehn-Saric  
   Commissioner Dana Baiocco  
   Commissioner Peter A. Feldman  
   Commissioner Rich Trumka Jr.  
   Commissioner Mary T. Boyle

ITEM:

Clawfoot Supply, LLC.  
Recommendation to accept \$6 million settlement for alleged violations of the Consumer Product Safety Act  
(Briefing package dated September 7, 2022, OS No. 0151)

DECISION:

The Commission voted unanimously (5-0) to provisionally accept under 16 C.F.R. § 1118.20(d), the Settlement Agreement and Order, which orders Clawfoot Supply, LLC to pay a civil penalty of \$6 million and to take other remedial actions. The provisional Settlement Agreement and Final Order will be announced in the *Federal Register*. The Division of Enforcement and Litigation (CEL) in the Office of Compliance and Field Operations negotiated the proposed settlement agreement. The agreement resolves staff allegations that Clawfoot knowingly violated section 19(a)(4) of the Consumer Product Safety Act (CPSA) by failing to timely report a hazard under section 15(b). Specifically, Clawfoot failed to report that it had information reasonably supporting the conclusion that its Wall-Mounted Teak Folding Shower Seats contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death.

Chair Hoehn-Saric, Commissioners Feldman and Trumka issued respective statements with their votes (see attachments).

For the Commission:

Alberta E. Mills  
Secretary

\*Ballot vote due September 13, 2022



United States  
**Consumer Product Safety Commission**

Attachments:

Statement by Chair Hoehn-Saric  
Statement by Commissioner Feldman  
Statement by Commissioner Trumka



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

**Statement of Chair Alexander Hoehn-Saric on Vote to Approve \$6M Settlement  
Agreement with Clawfoot Supply, LLC**

**September 15, 2022**

The Consumer Product Safety Commission (CPSC) voted unanimously to approve a proposed settlement agreement with Clawfoot Supply, LLC (“Clawfoot”) to resolve charges that the company failed to report that its Wall-Mounted Teak Folding Shower Seats created an unreasonable risk of serious injury or death or had a defect which could create a substantial product hazard. The settlement would require Clawfoot to pay a civil penalty of \$6 million and to take other remedial actions.

Manufacturers are required to inform the CPSC of possible product defects or risks that cause injuries or deaths so that they can be adequately fixed and future injuries prevented. Secret recalls that do not improve safety and hide product risks endanger the public. Yet, for more than three years after Clawfoot learned that its shower seats posed a fall and laceration hazard, the company stayed silent and did not reveal the risks to CPSC or to the consumers who had purchased the products. During that time, there were 194 incidents of the seats breaking, including 37 incidents of falls and 23 reported injuries.

Instead of fulfilling its reporting obligations and working with CPSC to recall its product, Clawfoot tried on its own to resolve the problem quietly by initiating a design change that did not remove the hazard and offering past purchasers replacements of their shower seats. Meanwhile, the Firm continued to sell the shower seats and amass consumer incident reports. It did not make a report to CPSC until August 2018 when it learned of another incident in which its shower seat broke in such a way that the consumer required 20 stitches.

This behavior was egregious. I credit CPSC staff for pursuing this case and assessing this civil penalty. Today’s announcement is the 5th civil penalty announcement so far this year with a combined total of \$38 million<sup>1</sup> assessed against companies that did not comply with laws CPSC enforces. I expect industry to take seriously the CPSC’s renewed focus on enforcement and look forward to a safer marketplace for all. In the meantime, I encourage consumers to report hazards to CPSC so that we can uncover defects and save lives. Let us know what you are seeing at [saferproducts.gov](https://www.saferproducts.gov).

---

<sup>1</sup> See: [Segway Powersports Assessed \\$5 Million Civil Penalty for Unlawfully Importing ATVs | CPSC.gov](#); [TJX Agrees to Pay \\$13 Million Civil Penalty for Selling, Offering for Sale and Distributing Recalled Products | CPSC.gov](#); [Vornado Agrees to Pay \\$7.5 Million Civil Penalty for Failure to Immediately Report Space Heaters Posing a Fire Hazard | CPSC.gov](#); [Core Agrees to Pay \\$6.5 Million Civil Penalty for Failure to Report Serious Injuries Involving its Exercise Equipment | CPSC.gov](#); and [Clawfoot Supply Agrees to Pay \\$6 Million Civil Penalty for Failure to Immediately Report Shower Seats Posing Fall and Laceration Hazards | CPSC.gov](#).



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814  
COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN ON  
\$6 MILLION CIVIL PENALTY AGAINST CLAWFOOT SUPPLY, LLC**

**SEPTEMBER 14, 2022**

This week, the Commission approved a proposed settlement with Clawfoot Supply, LLC (Clawfoot) regarding the company's failure to report a defect with its shower seat that posed a fall and laceration hazard.

I supported this proposed settlement, which includes among other things a \$6 million civil penalty, because it is consistent with prior Commission civil penalties, is appropriately sized to the conduct at issue, and is defensible under CPSC's [civil penalty factors](#).

Unlike other recent Commission civil penalty settlements I have opposed, Clawfoot's failure to report did not result in fatalities of which CPSC is aware and was not the conduct of a known recidivist company. Additionally, the number of products in commerce was modest, and the penalty amount is consistent with other recent Commission settlements with similar facts and circumstances (*e.g.*, [Cybex](#) and [Core](#)).

While I voted to accept this proposed settlement, I remain disturbed at the Commission's lack of coherence as it relates to civil penalty fine amounts and other terms and conditions. As I have [stated before previously](#), CPSC needs a principled and effective civil penalty regime. I look forward to working with my colleagues to develop such a system.



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

**COMMISSIONER RICH TRUMKA JR.**

**STATEMENT OF COMMISSIONER TRUMKA ON  
\$6 MILLION PENALTY AGAINST CLAWFOOT**

**SEPTEMBER 15, 2022**

By imposing a \$6 million civil penalty on Clawfoot Supply, LLC, the Commission underscores that companies should not view penalties for violating the law as a cost of doing business. Companies are on notice: report information on product hazards immediately or face stark financial consequences.

Clawfoot sold only 6,400 defective shower seats for \$150 to \$160 each. Not only did we ensure that Clawfoot offered full refunds to consumers, but today the company is paying a fine of 6-times the original sale amount (\$937.50 per product sold). CPSC's penalty has ensured that selling the hazardous seats was bad business for Clawfoot. I am confident that this Commission will continue to create strong disincentives for companies hiding vital safety information.

Here, Clawfoot's corroded shower seats broke apart, injuring people, causing scrapes, bruises, deep lacerations, and fractured bones. Even after receiving multiple reports of corrosion and breakage, the company failed to report the issues. Instead of reporting to CPSC, Clawfoot conducted a shadow recall, offering a failed solution that continued to put people at serious risk of harm, all while keeping us in the dark and preventing us from taking action to protect consumers. Companies that hide safety information must face punishment.