



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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EIGHT NEW DEATHS IN ROCK ‘N PLAY AS TRAGEDIES MOUNT IN FISHER-PRICE PRODUCTS; CPSC WORKING ON A RULE THAT COULD PREVENT THE NEXT WAVE OF DEATHS

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Fisher-Price’s Rock ‘n Play recall was not good enough to remove these products from homes. The incentives Fisher Price offered were inadequate to draw in enough consumers, and the hurdles were too many. Now, eight infants have died after the recall, tragically bringing the death toll associated with the product to over 90 babies.¹

Fisher-Price has also continued to sell another product called the Infant-to-Toddler Rocker which is associated with at least 13 more infant deaths. CPSC is finalizing a new safety rule that will ban inclined sleepers for infants. It is the agency’s job to determine whether that includes products like Fisher-Price’s Infant-to-Toddler Rocker.

- **Fisher Price’s original Rock ‘n Play recall offered inadequate incentives and included too many hurdles.** This stopped consumers from returning their Rock ‘n Plays.
 - First, Fisher-Price only offered a refund to a small fraction of Rock ‘n Play owners: people who bought them in a narrow 6-month window. And for a full refund, Fisher-Price required a receipt—something that many people do not keep.
 - Second, and perhaps most concerning, for everyone else, Fisher-Price offered no refund, instead: a voucher for more Fisher-Price products. This was insulting and unwelcome to parents just learning of the deaths associated with the Fisher-Price Rock ‘n Play. I know because I owned one. I threw away my son’s Rock ‘n Play rather than take a coupon for another of the company’s products.

¹ The Gag Rule (15 U.S.C. § 2055) requires us to provide the company notice, and sometimes even seek their permission, before stating the number of deaths associated with a product. Here, we had to negotiate with Fisher-Price about the number to release. Alternative numbers appear in public reporting. I urge consumers to compare the sworn testimony of the company’s top official to Congress with the number of deaths we acknowledged today. <https://www.c-span.org/video/?512323-1/mattel-ceo-fisher-price-executive-testify-infant-deaths>

- Third, Fisher-Price warned consumers that even the weak remedy being offered would be delayed by three to four months. Many of those receiving that offer had children that would outgrow the need for such products over that long period.
- Fourth, the company buried the recall information deep on its website and forced consumers to see numerous product advertisements to find it.

Companies save money when people do not participate in their recalls. When that happens, dangerous products stay in homes. We have seen that lead to deaths. The only remedy I would have supported was a full refund to all customers, regardless of the age of the product.

- **No one at Fisher-Price has yet faced real accountability.** CPSC has the power to issue civil penalties to companies and corporate leaders. That has not yet happened here. With this new Commission, we should ask why that option has not yet been pursued and whether it is appropriate. We should also evaluate whether we believe the company or any corporate officials bear criminal responsibility.
- **Infants are dying in Fisher-Price products still being sold today.** It has been more than six months since CPSC issued an [urgent warning to the public](#) to stop using the Fisher-Price Infant-to-Toddler Rocker for sleep after it was associated with the deaths of at least 13 babies. Fisher-Price still has not recalled that product.
- **Help from CPSC may be on the way.** CPSC is working on a regulation to implement the Safe Sleep for Babies Act, a law that banned infant sleep products with inclines of over 10 degrees that are “intended, marketed, or designed to provide sleeping accommodations for an infant up to 1 year old.” In doing so, we will have to determine whether the law bans the Fisher-Price Infant-to-Toddler Rocker and scores of other products that may look similar, may share similar characteristics, but are called things like bouncers, loungers, or swings. Parents and caregivers deserve to know, and our answer is overdue.
- **A large number of Rock ‘n Plays could remain in homes.** The public deserves to know the number of Rock ‘n Plays that are still in homes and nurseries. However, that information has not been made public because of a deeply flawed federal law known as the [Gag Rule](#). While the Gag Rule prevents CPSC from sharing critical information, it does not block the company from doing so, so interested parties should ask Fisher-Price for this information.