

Testimony of Linda Ginzel before the House Subcommittee on Commerce, Trade and Consumer Protection

Child Product Safety: Do Current Standards Provide Enough Protection?
October 6, 2004

Good morning Chairman Stearns, Ranking Member Schakowsky, and members of the Committee. My name is Linda Ginzel. I am on the faculty of the University of Chicago's Graduate School of Business. I live in Chicago, Illinois with my husband and three children. I'd like to tell you about my son Danny.

Danny was a healthy, happy and beautiful kid. He was not only loved by our family, but he had an amazing ability to engage everyone he met. When Danny was about one-year-old, we went to visit my sister in New York. The passengers sitting next to me on the plane played with him, the flight attendants took turns holding him.

Four months after that trip to NY, Danny was dead. And among the condolences that our family received there was an email from one of the passengers on that flight. She'd heard about Danny's death on the news and because she remembered his name and the fact that I taught at the University of Chicago, she figured out that he was that sweet baby that she had sat next to on the plane. She wrote, "I remember what a wonderful baby he was on that flight and how others were amazed as well." She was also mourning his death.

I am here to testify today because six years ago, on May 12, 1998, our 16-month-old son, Danny, was strangled to death in our Chicago neighborhood, at his licensed childcare facility. I am here to testify because there is absolutely no reason for this to happen to anyone, ever again. Danny's death was completely preventable.

My beautiful little boy was killed by a defective children's product. A crib. The Playskool Travel-Lite portable crib –where he napped in the afternoons at his childcare home.

This crib has hinges in the top rails that allow it to collapse and fold flat for storage. This type of crib has been proven defective because it can collapse and fold unexpectedly when the child is still inside. This is what happened to Danny.

The top rails of this crib collapsed into a V-shape. His neck was caught in the V. And just like an animal trap, his own body weight caused the collapsed rails to close tighter and tighter around his neck cutting off the oxygen to his brain. This crib collapsed without falling over, without making a sound and my son was dead within a few minutes.

At first, we thought it was a freak accident, but the day after we buried our son, we learned that it was not an accident. We read in the Chicago Tribune and that the Playskool Travel-lite crib had been recalled five years earlier. The recall was in 1993; but Danny died in 1998.

We also discovered to our horror that he was the fifth baby whose neck was caught between the top rails of this crib.

The first baby, Arnold from Commerce California, died in 1991. Elissa from Siloam Springs, Arkansas died in 1992; the third baby, Elizabeth from Augora, California died in the Playskool crib on January 5, 1993. It was only after three dead children that the Playskool Travel-lite crib was recalled, with a press release issued on March 10, 1993.

Two years after the recall, the fourth baby, William from Indianapolis, Indiana, died in that Playskool crib. And my beautiful Danny was the fifth child to be strangled to death. When we read the newspaper that morning, we learned that it was not a freak accident that killed our son. Danny died because the Playskool crib is a death trap.

But we couldn't understand why babies were still dying after a recall? What exactly was involved in a recall? We didn't know. We later discovered that the recall was a half-hearted effort and with less than 9,000 of the original 12,000 cribs unaccounted for, the CPSC closed its books on the recall in June of 1996.

When we learned that the great majority of these deadly cribs were still unaccounted for, we immediately started telling everyone we could-- through word-of-mouth, email, the media. Our family felt an enormous sense of urgency and a deep responsibility to warn other parents because we knew how many of those deadly cribs were still out there ready to kill. We called them time bombs; we were afraid they would kill again. And they did.

Although my family worked with all the strength that we could muster, we could not prevent the next death. Just three months after Danny died, another baby in New Jersey died exactly the same way. He was the sixth victim of the Playskool crib.

I am sure that you are also asking the question: How it is possible that three children died after this deadly crib was recalled?

My husband and I have spent the last six, agonizing years trying to find answers to this question, we have learned a lot about the factors that contributed to our son's death. The most agonizing thing that we learned is Danny did not have to die.

Danny was caught between commerce and politics. Danny is dead because the system of juvenile product safety is broken. Congress bears a major responsibility and you have the power to fix it. The case of the Playskool crib that killed my son exemplifies all of the elements of this broken system. I came to Washington today to help you to understand what can be done and to beg you to use your power to act on behalf of all children.

Reverse Marketing. When the Playskool crib was recalled, Hasbro who owns the Playskool brand did nothing except distance themselves from the product. Kolcraft, the manufacturer, negotiated with the CPSC and the recall basically amounted to a press release. Does this make any sense to you? When he heard this, even Danny's then 5-

year-old brother said “and what if people don’t turn on the TV that night?” Hasbro spends millions of dollars a year on marketing, they reach into our homes whenever they want to sell us their new products. Why aren’t they required to reach into our homes to warn us of their time bomb disguised as a crib? If they had done so, my son would be alive today.

Childcare Notification. So, companies are not required to use reverse marketing to reach into our homes. What about reaching into childcare facilities? You see the fact is that half the children who died in the Playskool crib died in childcare settings. Hasbro knew this. Why weren’t childcare providers warned? After the 6th child was killed, my husband and I wrote a letter to Allan Hassenfeld, the CEO of Hasbro, and asked him to inform registered childcare facilities across the country; he did so. This is just another example of where the system is broken. Why do we, the parents of a dead child, why do we need to ask the CEO of this company to do something that is so simple? Isn’t it obvious that this should be part of any children’s product recall? Why aren’t manufacturers required to contact childcare facilities when their products kill babies? If they had done so, my son would be alive today.

Product Registration. I want you to understand that Danny had quality childcare. Danny’s death is not about the dangers of childcare; it is about the dangers of deadly children’s products. The particular crib that killed my son was given to the childcare home, by Katherine, the parent of a child who was also in Anna’s care. The original owner of the crib lived nearby and was still in contact with Katherine. After Danny died, many people asked why the original owner hadn’t sent in the registration card. If she had done so, they reasoned, the company would have been able to notify her. The only problem is that there was no registration card included with this product. I later learned that car seats are the only children’s product that is required to have a registration card. Why aren’t manufacturers required to include registration cards, especially for durable children’s products like cribs? If they had done so, my son would be alive today.

But there is an even more profound point. What the CPSC should do, what the American public should do, and what Congress should do is to ask the real question: Why are there so many recalls to begin with? Why are there so many defective children products on the market? Why are we allowing anybody, from fly-by-night operations to trusted giants like Hasbro, to sell deadly products?

It is not easy for me to sit here and list all the reasons why my son should be alive today. But, Danny didn’t die because of a woefully ineffective recall alone. He died, like too many other children, because children’s products are not required to be tested for safety before they are sold.

In my example, Hasbro put its trusted Playskool name on the crib that killed Danny. They did not perform a single safety test on it. They did not even find out whether the manufacturer did any safety testing. There is no documentation to be found anywhere that this crib was ever tested. What was the result? We know the sad truth. Less than 12,000 Playskool cribs were sold and six babies died. That’s one dead baby for every two

thousand cribs. Let me say that again, one dead baby for every two thousand products sold. Your son or daughter has much higher odds of surviving a tour of duty in Iraq than surviving being placed in the Playskool Travel-lite crib.

My Danny didn't have to die. He died because the system is broken. You have the power to fix it. I sincerely hope that you have the will do so.

I am not asking you to create a children's product system that completely prevents death and injury. All I am asking is that you not allow other children to die like my son did. No one's child should die in untested, dangerous children product and no one should die because manufacturers refuse to take responsibility for their deadly products.

Boaz and I hope that other families will not suffer a tragedy as senseless as the one we have had to endure since the death of our beloved son. Without Danny, our family is forever incomplete. We hope that the work we do in his loving memory will protect the children you love, and we hope that you have the courage to help us.

Thank you.