

# CHICAGO PARENT

m a g a z i n e

## Why are so many children killed or injured by unsafe products?

by Megan Word

As a pediatrician and a mother of three, Barbara Johnston, M.D., has always stayed well-informed about children's health and safety. "I consistently used car seats, I always bought new baby furniture, and I never used dangerous products like bath rings or walkers," she says.

Then in 1998, one of her patients was killed when his Playskool Travel-Lite crib collapsed, trapping his neck in the rails. Johnston checked her own 3-year-old's crib—the crib she had used since her 6-year-old was a baby.

It was the same crib that had killed her young patient. And it had been recalled by the manufacturer five years earlier.

"I was shocked," says Johnston. "I'm a pediatrician, and we get notices about recalls, but even I didn't hear about the recall on the crib that killed him."

Approximately 100 children's products are recalled every year for safety reasons. But these recalls typically don't happen until thousands of each product already have been sold. Many parents and childcare providers continue to use these dangerous products, unaware of the recalls and the potential dangers.

How are products recalled? Why don't parents always hear about them? And how

do so many dangerous products make it on to store shelves in the first place?

The answers are surprising and make it quite clear that when it comes to product recalls, what you don't know can indeed hurt your child.

### How is a product recalled?

Recalls are issued by the U.S. Consumer Product Safety Commission (CPSC), an in-

dependent government organization created in 1972 to protect consumers from dangerous products. The CPSC has the power to mandate safety standards and to recall, or even ban, hazardous products.

talks to them about how and why the product is dangerous," explains Cassie Thorsen, a spokesperson from the Chicago office of the CPSC. "Engineers will take a look at the product to determine if what happened was just a one-time incident. We have to determine the potential for injury and how serious that injury could be."

If the product is determined to pose a significant risk to consumers, the CPSC issues a recall and takes action to pull the product from distributors, but months or even years have passed since the product entered the market. It's not terribly difficult to notify retailers that the recall has been issued, but it's nearly impossible to reach all the consumers who already have bought the recalled products.

That's the best case scenario. More commonly, dangerous products are not brought to the attention of the CPSC. In 1998, only 4,300 consumers

called the CPSC hotline to report hazardous products; that same year, 225,096 children were treated for injuries caused by faulty children's products.

Many people contact manufacturers instead. By law, corporations are required to notify the CPSC within 24 hours of hearing about a potentially dangerous product.



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The recall process usually begins when several consumers call the agency to complain about a product. "Someone goes and

Responsible companies will report complaints promptly, but not every company can be counted upon to do so.

“Despite the law, the CPSC has never been able to rely on manufacturers to report their own product defects,” contends Marla Felcher, author of *It’s No Accident: How Corporations Sell Dangerous Baby Products* (Common Courage Press, 2001). In 1999, she says, the CPSC’s division of hazard identification and analysis spent close to \$7 million investigating complaints made to manufacturers who did not report them to the CPSC.

The CPSC, which has more than 15,000 types of products under its jurisdiction, is frank about its own limitations. “We may or may not investigate your product complaint,” its website states. “We receive about 10,000 reports of product-related injuries and deaths a year from consumers and others. Due to our small staff size, we can investigate only a few of them.”

Because of the CPSC’s relatively small staff and budget, it takes more than one product-related injury to warrant an all-out investigation, and there often is a lengthy delay in determining the risk. Meanwhile

**When a product is recalled, it’s nearly impossible to reach all the consumers who have bought it.**



children can continue to be injured or even killed by the same faulty product.

How many complaints does it take to warrant action? In 1998, Safety 1st received more than 700 complaints about its Bouncing Buggy—a plastic car attached to a rocking base—before the CPSC issued a recall, and it took a shocking 3,000 complaints and 200 reported injuries to initiate the recall of Cosco’s Geoby Two Ways tandem stroller in February of 1999.

#### **The notification dilemma**

Identifying a dangerous product is difficult,

but pulling that product from every home and store shelf is impossible, particularly when a product has been on the market for months or even years before the recall is issued. “Once a product is in distribution it’s hard to get it back,” says Thorsen of the CPSC.

The number of items affected by recalls is daunting. In 2000, the CPSC recalled children’s products at a rate of nearly two per week, affecting an estimated 37 million individual items. Manufacturers and the CPSC have a hard time getting the word out about all these products.

Manufacturers are required by law to release a joint press release with the CPSC when one of their products has been recalled. But the wording of these releases can be ambiguous, and child advocacy groups complain that dangers are often downplayed.

“The final recall notice is so watered down that it’s difficult for anyone to know with any degree of certainty how serious the problem is,” says Felcher.

These press releases are distributed to national media wires, as well as major newspapers and radio and television stations.

## **A KID is born**

On May 12, 1998, Linda Ginzel, of Chicago, dropped off her 16-month-old son, Danny, at his licensed daycare home. That afternoon Danny’s caregiver placed him in a Playskool Travel-Lite crib for a nap. When she went to check on him, she found that the crib had collapsed, trapping his neck in the “V” shaped rails. Danny was dead.

“We originally thought that it was a freak accident that couldn’t have been prevented,” Ginzel says. “But the day after his funeral, we found out that he was the fifth child to be killed by this type of crib.” Since then, 10 more children have been killed.

The crib had been recalled in 1993, but neither Danny’s parents and daycare provider, nor the state inspector who had visited the daycare just eight days before Danny’s death, knew about the recall. Ginzel discovered that of the 1.5 million recalled cribs of this type, 1.2 million were unaccounted for and, most likely, still being used.

“We realized that this was a much bigger problem and we couldn’t sleep at night knowing this could happen again,” Ginzel says. So on May 23, 11 days after Danny’s death, she and Danny’s father, Boaz Keysar, started an e-mail campaign to warn parents of the danger of recalled cribs. They sent the message to 5,000 people, asking recipients to forward the message to everyone they knew.

They received 300 responses from parents who owned similar cribs. “People wrote to us to say that they had literally pulled their sleeping children from these cribs,” Ginzel says.

Ginzel and Keysar then withdrew \$20,000 from personal savings to form Kids In Danger (KID), a non-profit organization dedicated to protecting children from dangerous recalled products.

“We never sat down and made a conscious decision to form an organization. It was that we could not accept the fact that our son was killed in this way,” Ginzel explains.

Kids In Danger is now a full-fledged advocacy group with a board of directors and several full-time employees. Through public service announcements, direct mailings, speaking engagements and a website, it has distributed life-saving information to millions of parents, helping to prevent countless deaths. KID also worked with Mayor Richard M. Daley to launch an initiative making recall information more readily available through city agencies.

But public education is only part of its mission. KID’s larger purpose is getting to the root of the problem by advocating for product safety and promoting the development of safer children’s products.

“We want to change the system so that dangerous products don’t make it to the market in the first place,” Ginzel says. “They need to stop testing on our children.”

Although its ultimate goal is mandatory testing for all children’s products, KID currently represents consumers in setting voluntary safety standards for the children’s product industry. Four months after Danny’s death, Ginzel was named to the American Society for Testing and

Materials, allowing her to play a direct roll in the standards-setting process.

KID also championed the Illinois Children’s Product Safety Act, a bill prohibiting commercial retailers from selling or leasing unsafe or recalled products. The bill requires licensed child-care centers to be inspected for recalled products.

On May 13, 1999, one year after Danny’s death, the Act passed unanimously in the state senate. It was signed by Governor Ryan in August of 1999. Since then, several other states have passed similar legislation.

More legislation may be on the way. After working closely with KID’s Executive Director, Nancy Cowles, Illinois Representative Jan Schakowsky introduced the Infant and Toddler Durable Product Safety Act in November, 2001. This federal bill would require manufacturers of children’s products to have all durable products (larger items, such as cribs and high chairs) tested by third-party inspectors before they could be put on the market. The bill has been assigned to the Energy and Commerce Committee for review. If it passes, it will be KID’s biggest legislative victory to date.

“It’s Danny’s legacy,” Ginzel says. “In 16 months of life, he has done more to change the world than most people do in a lifetime. Through Kids In Danger, he is with us every day.”

For more information on how you can get involved, visit the Kids In Danger website at [www.kidsindanger.org](http://www.kidsindanger.org) or call 312/595-0649.

—Megan Word

## In 2000, two children's products were recalled every week.



But unless there's something especially notable about a particular recall, it's unlikely to get much media attention.

"The press doesn't always cover every single recall, so that's not the most effective way to notify the public," says Thorsen. "It's really a kind of whoever-hears-about-it-hears-about-it system."

Some companies also notify pediatricians and retailers when one of their products has been recalled, but even these extra efforts seem weak when compared to the effort put into advertising campaigns for their other products.

"The last thing manufacturers want is for news of a recall to get too much attention," says Felcher. "In the short-term, well-publicized recalls are expensive to carry out; in the long-term, they can invite product liability lawsuits, damage a company's image, and erode shareholder wealth."

Product registration cards also are of limited use for notifying consumers about recalls. "One of the problems we have is that most of the registration cards are never returned," says Laurie Oravec of Fisher Price. "People are afraid they will be used for marketing."

Some corporations have given up on using registration cards for this reason. "Currently we do not put registration cards with any products other than car seats," says Carol Dingley of Cosco. "We found the return rate was only between 10 and 15 percent."

Since neither the media nor manufacturers effectively inform consumers about product recalls, many parents never find out that some of the products in their homes are unsafe. According to a recent survey, 70 percent of Illinois

voters say they hear about recalls less than four times a year—that's about three percent of the actual number of recalls.

### The root of the problem

Recalls wouldn't be such a problem if there weren't so many dangerous products. So why do so many unsafe children's products make it to store shelves?

"Many parents would be shocked to learn that there are no mandatory testing laws for most children's products," says Nancy Cowles, executive director of Kids in Danger (KID), an Chicago-based advocacy group that works to improve the safety of children's products.

The only children's products that have mandatory safety standards are car seats, pacifiers, toys and cribs. Everything else—strollers, high chairs, playpens, you name it—can be placed on the market without undergoing any kind of safety testing. Under federal law, the CPSC is not permitted to mandate testing for these other products as long as the industry issues voluntary standards.

Manufacturers claim that the current system does the job, but child safety advocates disagree.

"There are too many children that are still being killed and injured by faulty products," says Cowles. "We really need to have mandatory standards."

Consumer advocates meet with the corporations twice a year to make and modify voluntary standards for the children's product industry. Although consumer advocates struggle to make their voices heard, nearly all decisions come down to a simple vote. The manufacturers hold the majority.

"Voluntary standards require only minimum levels of performance and fail to address all hazards posed by a product," says Felcher, who researched this issue for her book. She says the process of determining standards is "dominated by manufacturers' engineers, whose job it is to balance the precarious trade-off between child safety and corporate profit."

But those problems aside, the bigger issue remains that voluntary standards are,



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## Quick recall

For information on recalled products, including those for babies and children, visit the website of the U.S. Consumer Product Safety Commission (CPSC) at <http://www.cpsc.gov/>. Click on "recalls" to search by product type (e.g. cribs, high chairs) or company, or to sign up to receive recall notices electronically. You can also report unsafe products on this site.

If you don't have internet access, call the CPSC Hotline at 800/638-2772 for information on whether a product has been recalled or to report an unsafe product.

Kids in Danger (KID) also lists many recalled children's items. Visit [www.kidsindanger.org](http://www.kidsindanger.org) or call 312/595-0649.

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as the name implies, not mandatory. It is at the company's discretion whether or not they follow the standards and test their products for safety.

Most well-known corporations will indeed test their products to comply with voluntary standards. "I can't imagine that any manufacturer that wants to protect their reputation would ever put out a product without testing it," says Laurie Oravec from Fisher Price. "You can't meet those standards without testing it first."

But these standards don't require field testing. Tests are often performed in controlled laboratory settings. As any parent knows, a child's behavior is difficult to anticipate, and so are a product's potential dangers.

"They can make [a product] to the best of their ability," says Jennifer Szwalek from the Juvenile Product Manufacturers Association, "but until it's actually in the situation, you can't tell all the risks."

As a result, voluntary standards often fail to take into account the real-life risks associated with a product. Many children have been killed because of problems as seemingly insignificant as unclear assembly instructions or an ambiguous product warning.

In addition, safety standards, which take years to develop, are unable to keep up with the torrent of new products from the booming baby product industry. "Parents want the best and latest products," says Cowles. "New products are

developed and rushed to shelves too quickly. The time to make sure it's a safe product is not often taken."

For example, baby bath seats were introduced to the market in 1981, but it wasn't until 18 infants had died that the industry began working on a safety standard, and 43 more were killed before the standard actually passed. It took 10 years and 16 deaths before voluntary standards were proposed for infant swings.

### No end in sight

While the processes by which products are recalled and consumers are notified are slow and insufficient, the real problem is that unsafe products are continuously being developed, manufactured, advertised and sold. "Recalls are just a Band-Aid," says Cowles. "We need to get to the root of the problem."

Illinois representative Jan Schakowsky recently introduced a federal bill that would require mandatory independent testing for all durable infant

## The real problem is that unsafe products continue to be developed, manufactured, advertised and sold.



products, such as furniture and other large items. Safety standards would be set by the

CPSC, and most importantly, they would be mandatory, not voluntary.

"Today our answer is to recall dangerous products after babies have been killed or injured," says Schakowsky. "My bill would make sure that dangerous products don't make it to the market in the first place."

It may take months before this bill is brought before Congress. Before then, there are likely to be long and contentious debates about how effective it would be and how great a burden it would put on manufacturers and government agencies.

Meanwhile, children will continue to be injured and killed, the innocent victims of a system that fails to protect them from dangerous products.

*Megan Word is a student at the Medill School of Journalism at Northwestern University and a former intern at Chicago Parent magazine.*

## What you can do

**1. Check before you buy.** Before you purchase equipment for your baby or child, check to see whether it has been recalled. For carseat recalls visit the National Highway and Transportation Safety Administration's site at [www.nhtsa.gov](http://www.nhtsa.gov). For medication and food recalls see the Food and Drug Administration's site at [www.fda.gov](http://www.fda.gov). For general child safety information go to the Consumer Federation of America's site at [www.safekid.net](http://www.safekid.net).

**2. Look at what you have.** There may be strollers, cribs, toys or playpens in your home that were recalled years ago. Make a list of all the products you use with your children and compare it to the list of recalls on the website of the Consumer Product Safety Commission (CPSC). Visit [www.cpsc.org](http://www.cpsc.org) and click on Recalls/News, where you can search for recalled products by manufacturer or product type. If you don't have internet access, call the CPSC at 800/638-2772.

**3. Stay in the loop.** To make sure you are notified if something you own is recalled, register to receive the CPSC's mailing list, which notifies you by mail or e-mail with every recall notice.

**4. Spread the word.** Your home may be safe, but what about the homes of your children's friends, their babysitter or their daycare

provider? Make sure the places your children spend time are safe by making others aware of the potential dangers of recalled products and how to avoid them.

**5. Report unsafe products.** Consumers are the CPSC's greatest source of information on defective products. If you believe a product is unsafe, or if your child was injured by a product, report it to the CPSC. Contact the manufacturer, too, and tell them you've already called the CPSC. Although your complaint may not lead to an immediate investigation, it can provide valuable information to identify safety risks in the future.

**6. Trust your instincts.** If a latch, buckle or other part isn't working properly, don't wait for an injury before you stop using the product. Be wary of products with hazardous histories such as walkers, bath seats and infant swings.

**7. Fill out registration cards.** Whenever possible, return the registration cards included with children's products. If a product doesn't come with a registration card, send a letter to the manufacturer requesting that you be notified promptly in the case of a recall. Include your contact information and the product brand and model number, and be sure to request that your information not be used for

marketing purposes. Most companies will keep this information on file.

**8. Don't rely on brand names.** Some of the biggest manufacturers of children's products have the worst track records in product recalls. It's also common for well-respected brands to lease their names to lesser-known manufacturers. Under the Freedom of Information Act, you can request safety information about any product or brand free of charge, including information on products that have not been recalled. E-mail requests to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), specifying the time period for which you want information and noting that you want the information for personal use.

**9. Beware of second-hand items.** If you accept a friend's baby equipment or buy things at a resale shop, check whether they have been recalled. A 1999 survey by the CPSC found recalled products in 69 percent of second-hand stores.

**10. Get involved.** Kids In Danger, a Chicago-based advocacy group, is working with legislators to improve the safety standards for children's products. For more information on how to get involved, visit their website at [www.kidsindanger.org](http://www.kidsindanger.org).

—Megan Word