

Consumer groups tell court: strong safety rules for infant sleepers must stand

Consumer Reports, Consumer Federation of America, and Kids In Danger file amicus brief urging court to uphold CPSC safety standard and reject arguments by “baby box” manufacturer

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WASHINGTON, D.C. – Consumer Reports, joined by the Consumer Federation of America and Kids In Danger, filed a [friend-of-the-court brief](#) this week urging the U.S. Court of Appeals for the D.C. Circuit to reject a legal challenge by Finnbin, a manufacturer of “baby boxes,” against the Consumer Product Safety Commission (CPSC) over its [new safety standard](#) for infant sleep products. The standard is scheduled to go into effect on June 23, 2022, following the CPSC’s publication of a final rule this past summer.

“The CPSC took a critical step to keep sleeping babies safe by making clear that every product designed or marketed as an infant sleeper must meet strong minimum safety standards,” said Oriene Shin, policy counsel for Consumer Reports. “If Finnbin’s arguments prevail, such a ruling would gut the CPSC’s authority and conflict with Congress’ clear intent to empower the agency to protect infants, one of our most vulnerable populations. The Court should affirm that the CPSC acted lawfully, reject Finnbin’s arguments, and let the mandatory rule go into effect in June as scheduled.”

The CPSC’s safety standard for infant sleep products would ensure that all such products in the marketplace must comply with safety requirements that align with expert evidence-based safe sleep guidelines, including those developed by the American Academy of Pediatrics. According to agency and company data and Consumer Reports’ [independent reporting](#), more than 100 infant deaths are associated with inclined sleepers, and at least 23 deaths are associated with unregulated flat sleep products, including in-bed sleepers.

The amicus brief fully supports the CPSC’s position that the agency promulgated the new standard lawfully, and that doing so was an important step to fulfill the agency’s statutory purpose—including to develop uniform safety standards and protect the public against unreasonable risks of injury associated with consumer products.

“The CPSC’s Infant Product Safety Rule is necessary to protect infants as they sleep,” stated Rachel Weintraub, legislative director and general counsel of Consumer Federation of America. “The challenge to this life-saving rule is deeply problematic and must be rejected by the court. American consumers depend upon the CPSC to use its clear authority to protect babies and to make the marketplace safer.”

“Kids In Danger (KID) is honored to join with Consumer Reports and Consumer Federation of America to support the CPSC’s Infant Product Safety Rule,” stated Nancy Cowles, Executive Director of KID. “This rule is one of the most important actions CPSC has taken to protect our most vulnerable consumers – newborns and infants while they sleep. When it takes effect, parents and caregivers can be assured that products they buy for infant sleep are safe for that use.”

The American Academy of Pediatrics recommends that infants should sleep alone, on their back, on a firm, flat surface in their own safe sleeping area – be it a crib, bassinet, or play yard – with no extra bedding, to help avoid suffocation and other dangers. Parents and caregivers should follow these evidence-based recommendations, and discontinue the use of any product for infant sleep that does not align with them — including inclined sleepers, in-bed sleepers, and various other products covered by the CPSC’s new final rule.

Founded in 1936, [Consumer Reports \(CR\)](#) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today’s consumers, and provides ad-free content and tools to 6 million members across the U.S.

The [Consumer Federation of America \(CFA\)](#) is an association of non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. Today, nearly 250 of these groups participate in the federation and govern it through their representatives on the organization’s Board of Directors. As a research organization, CFA investigates consumer issues, behavior, and attitudes and publishes these findings in reports that assist consumer advocates and policymakers as well as individual consumers. As an advocacy organization, CFA works to advance pro-consumer policies on a variety of issues before Congress, the White House, federal and state regulatory agencies, state legislatures, and the courts. As an educational organization, CFA disseminates information on consumer issues to the public and news media, as well as to policymakers and other public interest advocates. CFA’s consumer protection work is based upon the premise that consumers deserve a marketplace characterized by fair treatment and services and safe products.

Founded in 1998, [Kids In Danger \(KID\)](#) is a nonprofit organization dedicated to protecting children by fighting for product safety. KID’s mission is to save lives by enhancing transparency and accountability through safer product development, better education and stronger advocacy for children. KID fulfills its mission by reaching out to caregivers to spread safety awareness and recall information, serving as a watchdog on regulatory agencies and manufacturers, and working with designers and engineers to make safety a top priority. KID analyzes recalled and hazardous children’s products and publishes reports for public education with recommendations for policy makers.