



**FOR IMMEDIATE RELEASE**

August 3, 2022

Contacts: [Rachel Weintraub](#), CFA, 202-904-4953  
[Dev Gowda](#), KID, (630) 915-6025

## **U.S. Court of Appeals for the District of Columbia Upholds CPSC Infant Sleep Product Rule Rule is critically important to protecting infants in sleep products**

Washington, D.C.- On Tuesday, The U.S. Court of Appeals for the District of Columbia upheld the U.S. Consumer Product Safety Commission ([CPSC's Infant Sleep Product Rule](#)) that went into effect on June 23, 2022. The CPSC rule establishes mandatory safety standards for products marketed or intended for infant sleep for babies up to five months old requiring that infant sleep products must have a sleep surface angle of 10 degrees or less.

The litigation, *Finnbin, LLC vs. Consumer Product Safety Commission* challenged the CPSC's Infant Sleep Product Rule and the agency's authority to promulgate the rule. Consumer Federation of America and Kids In Danger joined Consumer Reports in an [amicus brief](#) strongly supporting the CPSC's rule and legal promulgation of the life-saving rule.

"We applaud the Court's decision in *Finnbin vs CPSC* that allows the CPSC's critically important, infant sleep product rule to remain in effect," stated Rachel Weintraub, legislative director and general counsel with Consumer Federation of America. "This decision affirms the CPSC's clear authority to issue product safety rules, such as this rule, which is necessary to protect babies while they sleep."

"The CPSC's Infant Sleep Product Rule is one of the most important actions the agency has taken to protect our most vulnerable consumers – newborns and infants while they sleep," said Dev Gowda, assistant director of Kids In Danger. "The Court's decision helps assure parents and caregivers that products they buy for infant sleep are safe for that use."

According to CPSC data and [Consumer Reports' investigations](#), inclined sleep products have been linked to at least 94 infant deaths, and at least 23 deaths are tied to previously unregulated flat sleep products, including in-bed sleepers.

The American Academy of Pediatrics recommends that infants should sleep alone, on their back, and on a firm, flat surface in their own safe sleeping area – be it a crib, bassinet, or play yard that meets a federal safety standard – 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 Infant Sleep Product rule.

###

*[Kids In Danger \(KID\)](#) is a nonprofit organization dedicated to protecting children by fighting for product safety. Our mission is to save lives by enhancing transparency and accountability through safer product development, better education, and stronger advocacy for children.*

*[Consumer Federation of America \(CFA\)](#) is an association of nearly 250 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education.*