



**Before the U.S. House of Representatives
Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce
Hearing on “Buyer Beware: Fake and Unsafe Products on Online Marketplaces”
Safe Kids Worldwide
March 4, 2020**

Chairman Schakowsky, we thank you for convening today’s hearing on this vital consumer protection issue. We also thank you for your leadership throughout the years on child consumer product safety.

2019 Holiday Season Exposes Severe Issues

The past holiday shopping season has brought to the forefront important issues relating to the safety of products in a child’s environment, often sold on online marketplaces. These include counterfeit products such as child restraint systems and a range of toys, an adult “stress toy” made of tiny, high-powered magnets which, if swallowed by a small child can create severe medical issues, and inclined infant/toddler sleep products associated with at least 70 deaths. We address several of these issues in this testimony.

Dangerous Counterfeit Car Seats Exposed

A CNN investigation told us about a counterfeit child restraint system sold on amazon.com and other sites. This fake product illustrates just how dangerous the issue of counterfeit products is for children.¹ In this case, the counterfeiters copied the Doona “4 in 1 Baby car seat and Stroller.” CNN retained the University of Michigan Transportation Research Institute to perform a crash test on the purported fake car seat compared to the real product. In the 30-mph crash test, the fake car seat broke into pieces and failed to meet even the most basic of safety standards set by US regulators. The crash test dummy was placed in severe jeopardy. Dr. Alisa Baer, a pediatrician and a certified child passenger safety instructor, reviewed the test results and said that in a real crash, such a car seat failure could put a child in “grave danger” and lead to injuries to a child’s chest, neck or head, including a traumatic brain injury. The toddler dummy in the fake car seat fractured and slid forward along with plastic pieces that had broken off the car seat. In an identical crash test, the real Doona product met crash requirements and remained in one piece. The crash test dummy appeared to be safe, still seated snugly in the real car seat. Doona said that it had found more than 40 listings online that contained fake versions of their child safety product.

In identifying fake products, parents should be on alert if a product is severely discounted—it might mean the product is a counterfeit. The fake Doona was listed for \$299, approximately \$200 cheaper than a real Doona car seat. Just as the saying goes there’s no such thing as a free lunch, a genuine bargain can be misleading.

The Counterfeit Products Include Ones Important for a Child’s Safety

This is of great concern because a child restraint system is one of the most important products a parent will ever buy, critical to keeping children safe in collisions. Counterfeit car seats are not new to Safe Kids. In February 2019, our former Safe Kids Idaho coalitions based at St. Luke’s Children Hospital, identified counterfeit car seats while engaged in a car seat check involving a mother-to-be. It turned out that the car seat she had purchased for her newborn was a fake. It lacked federally-mandated warnings and safety features like chest clips; the straps did not fit properly, and the materials were flimsy.² Car seat technician

Brittany Joplin told a television station based in Boise, Idaho, “It’s pretty terrifying. There’s no way a child would survive a crash in a seat like this.”³ Similar knock-offs were discovered in Washington State.

Fake Toys Pose Risk to Children

Most toys that we give children, whether purchased online or at brick-and-mortar stores, are tested to ensure their safety. However, there’s been a surge in the number of fake toys and products online. The Toy Association, which represents U.S. businesses in the toy market, drew attention to the trend and warned parents about the risk associated with buying fake toys. For instance, children can easily remove pieces from fake toys, which present a choking hazard if swallowed.

An example of a counterfeit toy was a baby pacifier with a plastic mustache attached to it. Counterfeiters copied the FCTRY’s Mustachifier, which the company did not discover until they started receiving complaints from Amazon buyers. A mother explained that she’d given her son the Mustachifier and had gone to prepare food when she heard him coughing in his play pen. She found that the pacifier had broken into two pieces and the child had almost swallowed the rubber nipple.⁴ The fake Mustachifier were made in China and sold on amazon.com via its third-party online marketplace.

At the beginning of the holiday season, the Toy Association provided tips to help detect a counterfeit. These included being on the lookout for significantly discounted price-points (discussed above in relation to the Doona car seat). Online shoppers should also be wary of products with few or no product reviews and listings that looks unprofessional with low-resolution photos, typos and grammatical errors.

Adult Stress Toy Can Cause Stress to Parents

Another long-running story involves tiny but powerful rare-earth magnets marketed as “stress toys” for adults. Safe Kids and other safety organizations have been involved with these hazardous products for close to a decade. The danger comes when a small child ingests more than one of the magnets. They then travel down the child’s gastrointestinal system and join together. When this happens, they can squeeze together a toddler’s intestines and cause a life-threatening blockage or hole. Several years ago, the CPSC sought to ban this product and significant litigation ensued. Ultimately, a court reversed the ban and today the rare earth magnet toys are widely available.

On Christmas Day, Todd Frankel of the *Washington Post* reported that the nation’s poison control centers were seeing six times the number of magnet ingestions compared to 2016 when the ban ended.⁵

Legislative Efforts

Just as developments spurred increased news reporting, members of Congress are seeking to address some of the issues through bipartisan legislation. Safe Kids [strongly supports](#) the Safe Sleep for Babies Act of 2019, H.R.3172 and S.1767, sponsored by Representative Tony Cardenas (D-CA) and Senator Richard Blumenthal (D-CT). It would ban inclined sleepers, which have been associated with more than 70 infant and toddler deaths. For almost a decade, these products have been sold even though they conflict with American Academy of Pediatrics (AAP) safe sleep recommendations for infants. AAP recommends that children be put to bed alone, on their back, on a firm, flat surface in their own space, with no extra bedding.⁶

Based on the same standards, the Safe Sleep Act would also ban the sale of crib bumpers because they can lead to an infant’s or toddler’s suffocation.⁶ For more than a decade, Safe Kids and other consumer safety groups recommended against the use of crib bumpers and opposed their sale.⁷

We cited the case of 5-month-old Ezra Overton who died in a Fisher-Price Rock ‘n Play Sleeper. His parents Keenan and Evan awoke to find the boy sleeping on his stomach “with his nose squished into the back of the seat,” recalled Kennan. “I picked him up and he was like a doll.” The boy had suffocated to death. Fisher-Price, the manufacturer of the Rock ‘n Play, said it’s “essential that the product warnings and instructions are always followed.” A CBS story about the tragedy concluded, “[T]he Overtons said they had none of those warnings and did everything they could to keep Ezra safe.” In supporting the Safe Sleep Act we said, “An inclined sleeper runs counter to time-tested best practices for safe sleep involving infants.” The same is true for crib bumpers. Safe Kids hopes the Senate will consider and pass the Safe Sleep Act.⁸

The following are other examples of bipartisan legislative efforts designed to protect our youngest consumers which deserve consideration:

- Total Recall Act H.R.5097: This act introduced by Representative Grace Meng (D-NY) will provide greater resources from the private sector to promote recalls and strengthen the way consumers are notified about product recalls.⁹
- Magnet Injury Prevention Act S.3143: This act was introduced by Senator Richard Blumenthal (D-CT) that would ban certain rare earth magnet products that can pose a danger to children.¹⁰
- Stop All Nefarious Toys in America (SANTA) Act, S.3073: This act was introduced by Senator Bill Cassidy (R-LA), Senator Robert Menendez (D-NJ), and Senator Thom Tillis (R-NC) to help protect children from dangerous products online. It will require new information to be included in online marketplaces that show product origins and business name and contact information, among other requirements, for children’s toys and products.¹¹

Safe Kids Worldwide

Safe Kids Worldwide is a grassroots network of more than 400 coalitions across the United States. Our mission is to prevent unintentional injury among kids 19 and under, which is the number one killer of children in the United States. We work on a range of risks confronted by children and their parents, including motor vehicle crashes, sports injuries, and home injuries. Based on research, Safe Kids educates, increases awareness and advocates for effective public policy solutions.

We thank Chairman Schakowsky and members of the committee for your leadership and hope that we can speedily address the surge in counterfeit products online that pose a safety risk to our children.

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¹ Boykoff, P; Sebastian, C. (2019, December 23). Fake and Dangerous Kids Products Are Turning Up For Sale on Amazon. *CNN Business*. Available at: <https://www.cnn.com/2019/12/20/tech/amazon-fake-kids-products/index.html>.

² Gaudette, G. (2019, February 12). Counterfeit Car Seats Found In Treasure Valley. *Boise State Public Radio*. Available at <https://www.boisestatepublicradio.org/post/counterfeit-car-seats-found-treasure-valley>.

³ Boydston, M. (2019, February 6). Boise Hospital Warns of Knock-Off Car Seats: ‘There’s No Way a Child Would Survive a Crash in a Seat Like This’. *KTVB7*. Available at: <https://www.ktvb.com/article/news/theres-no-way-a-child-would-survive-a-crash-in-a-seat-like-this-knock-off-car-seats-being-sold-online/277-c1db11e9-0489-44bb-85f2-a2b7bd362080>.

⁴ Bercovici, J. (2019, April 4). Beware: Dangerous Counterfeit Toys for Your Baby Are Being Sold on Amazon. *Inc.* Available at: <https://www.inc.com/jeff-bercovici/amazon-dangerous-kids-products.html>.

⁵ Green A, How to Reduce the Stress a Stress Toy Can Cause, Safe Kids Worldwide, LinkedIn, Available at <https://www.linkedin.com/pulse/how-reduce-stress-toy-can-cause-anthony-green/>, citing article by Todd Frankel of the *Washington Post* (accessible only with subscription).

⁶ Consumer Report. (2019, December 17). *Consumer Reports: U.S. House passes bill to ban infant inclined sleepers, crib bumpers* [Press Release]. Available at: https://advocacy.consumerreports.org/press_release/cr-safe-sleep-house-passage-release-dec-2019/.

⁷ Letter to Joshua Sharfstein, M.D., Secretary, Department of Health and Mental Hygiene, July 19, 2012, from 11 consumer product safety groups. Available at https://www.safekids.org/sites/default/files/documents/publicpolicylibrary/crib_bumpers.pdf

⁸ Crawford, J. (2019, April 9). Family Warns Other Parents After Their Son Died in a Fisher-Price Sleeper. *CBS News*. Available at <https://www.cbsnews.com/news/fisher-price-rock-n-play-family-warns-other-parents-after-their-son-died-in-price-sleeper/>.

⁹ Total Recall Act, H.R.5097, 116th Cong. (2019). Available at: <https://www.congress.gov/bill/116th-congress/house-bill/5097/text>

¹⁰ Magnet Injury Prevention Act, S.3143, 116th Cong. (2019). Available at: <https://www.congress.gov/bill/116th-congress/senate-bill/3143/text>

¹¹ Stopping All Nefarious Toys in America Act, S.3073, 116th Cong. (2019). Available at: <https://www.congress.gov/bill/116th-congress/senate-bill/3073/text?q=%7B%22search%22%3A%5B%22s3073%22%5D%7D&r=1&s=2>