

**UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION**

In the Matter of Amazon.com, Inc.,

Respondent.

CPSC Docket No. 21-2

**RESPONDENT AMAZON.COM, INC.’S
NOTICE OF SUPPLEMENTAL INFORMATION**

Respondent Amazon.com, Inc. (“Amazon”) hereby submits this notice of supplemental information regarding “Product Safety Warnings” recently issued by the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”). The Product Safety Warnings pertain to products similar to the Subject Products at issue in the above-referenced adjudication and state that the products pose similar hazards to consumers. Despite those similarities, the Commission has taken an inconsistent approach in addressing the comparable products and hazards.

In July 2024, the Commission issued a Product Safety Warning regarding certain combination smoke and carbon monoxide detectors that, according to the Commission, “can fail to alert consumers to the presence of smoke” and “fail UL 217, the voluntary safety standard for smoke alarms.” The detectors were sold on three e-commerce platforms and imported by a Chinese third-party seller that “has been unresponsive to CPSC’s request to recall these products.” The Product Safety Warning urged consumers to “[s]top using them, remove the batteries, and dispose of these products immediately, and install new smoke and CO detectors that meet both the UL 2034 and UL 217 safety standards.” A copy of this Product Safety Warning is enclosed as **Exhibit A**.

In October 2024, the Commission issued a Product Safety Warning regarding children's robes that, according to the Commission, "fail to comply with federal safety regulations for children's sleepwear." The children's robes were sold on various e-commerce platforms by a Florida retailer that "ha[d] not agreed to recall these children's robes or offer a remedy to consumers." The Product Safety Warning "urge[d] consumers to stop using the children's robes immediately and dispose of them." A copy of this Product Safety Warning is enclosed as **Exhibit B**.

According to the Commission, these consumer products posed similar hazards as the Subject Products at issue in this adjudication. Like the Subject Products, the products addressed in the Product Safety Warnings were sold by third-party sellers on online marketplaces.

The Commission has nonetheless taken divergent paths to address the hazards posed by the products at issue in the Product Safety Warnings and the Subject Products. In the case of the Subject Products, the Commission initiated enforcement proceedings against Amazon, seeking to compel Amazon's speech and require the issuance of additional remedies in the form of duplicative refunds (or, in the case of the carbon monoxide detectors, replacements) conditioned on product returns or proof of destruction. With respect to the smoke detectors and robes described above, however, the Commission has instead used its own voice to issue Product Safety Warnings and recommend that consumers stop using and dispose of the products *without* mandating public notices and refunds conditioned on returns by the online marketplaces.

Likewise, the Commission has applied different standards for determining the appropriate notice language regarding the Subject Products and the products covered by the Product Safety Warnings. Amazon's prior direct safety notifications regarding the

Subject Products are comparable to the hazard notifications included in the Product Safety Warnings. For instance, Amazon’s notification regarding children’s sleepwear stated that the products “failed to meet the federal safety standard for the flammability of children’s sleepwear, posing a risk of burn injuries to children.” Dkt. 76, Amazon Ex. 29. This language is similar to the Product Safety Warning for children’s robes, which stated that the products “can catch fire, posing a risk of burn injuries to children. The children’s robes fail to comply with federal safety regulations for children’s sleepwear.” Exhibit B. Like Amazon’s safety notification, the Commission’s Product Safety Warning did not include a warning regarding a risk of death associated with the children’s robes. The Commission published the Product Safety Warning despite observing in its July 29, 2024 Decision and Order that Amazon’s notifications lacked “content necessary for consumers to understand the significant risks of injury associated with the products, including personal injury or death,” and “fail[ed] to state clearly that the products had indeed failed their respective tests, such that consumers may have continued to use the hazardous products because they were not adequately informed of the substantial risk of injury.” Dkt 142 at 49–50.

Under the Administrative Procedure Act, the Commission may not arbitrarily “appl[y] different standards to similarly situated entities.” *Burlington N. & Santa Fe. Ry. Co. v. STB*, 403 F.3d 771, 777 (D.C. Cir. 2005). The Commission should avoid that problem—and harmonize its approach in this proceeding and the Product Safety Warnings—by adopting the notice and remedy provisions outlined in Amazon’s Proposed Notification and Action Plan. *See* Dkt. 148.

Dated: November 19, 2024

Respectfully submitted,



Sarah L. Wilson
Stephen P. Anthony
Kevin F. King
Thomas R. Brugato
Matthew J. Glover
Jamie Dominique U. Magcale

COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
202-662-5397
swilson@cov.com
santhony@cov.com
kking@cov.com
tbrugato@cov.com
mglover@cov.com
jmagcale@cov.com

Counsel for Respondent

Exhibit A



CPSC Warns Consumers to Immediately Stop Using Juzhiann, YANLOYZW, JIKAIDA and Yieryi Combination Smoke and Carbon Monoxide Detectors Due to Failure to Alert Consumers to Fire; Manufactured by Shenzhen Jikaida Technology



Juzhiann Combination Smoke and Carbon Monoxide Detector (Front)



Name of Product:

Combination smoke and carbon monoxide (CO) detectors with model numbers JKD512 and JKD512-COM

Hazard:

The detectors can fail to alert consumers to the presence of smoke. Smoke sensitivity testing by CPSC found that they fail UL 217, the voluntary safety standard for smoke alarms, and may not alert consumers in the event of a house fire.

Consumer Action:

CPSC urges consumers not to purchase or sell these combination smoke and CO detectors. Stop using them, remove the batteries, and dispose of these products immediately, and install new smoke and CO detectors that meet both the UL 2034 and UL 217 safety standards.

Product Safety Warning Date:

July 03, 2024

Product Safety Warning Details

Description:

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) is warning consumers about the risk of serious injury or death associated with the use of combination smoke and carbon monoxide (CO) detectors with model numbers JKD512 and JKD512-COM. They were sold under multiple brand names, including Juzhiann, YANLOYZW, JIKAIDA and Yieryi. Consumers should immediately dispose of these products and install new detectors.

The detectors can fail to alert consumers to the presence of smoke. Smoke sensitivity testing by CPSC found that they fail UL 217, the voluntary safety standard for smoke alarms, and may not alert consumers in the event of a house fire.

In typical residential fire scenarios, there may be as little as three minutes to escape after the smoke alarm sounds before the conditions in the home become incapacitating or deadly. An estimated 2,440 people in the United States die every year from residential structure fires. Furthermore, the risk of dying in a fire is twice as high in homes without a working smoke alarm, as compared to homes with smoke alarms.

Shenzhen Juzhian Electronics Co., Ltd of China, the importer, has been unresponsive to CPSC's request to recall these products.

The combination detectors are made of white plastic and measure about four inches in diameter. The front of the detectors contains a black plastic circle with a digital display placed in the center. The back of the detectors contains three slots for AAA batteries, as well as a printed label that includes the model number, battery specifications of the product, and instructions. Model No. JKD512 and JKD512COM were sold under the Amazon ASINs B0CKZG94TL, B0CPPWM3ZD, B0CKZGDKTS, B0CPPX415C, B0CPPXKYLN, B0CJMFNPR2, B0CJMFH6ZP, and B0CKZGKX56 on Amazon.com for between \$16 and \$38. The combination smoke and CO detectors were also sold online at Aliexpress.com and Alibaba.com.

CPSC urges consumers not to purchase or sell these combination smoke and CO detectors. Stop using them, remove the batteries, and dispose of these products immediately, and install new smoke and CO detectors that meet both the UL 2034 and UL 217 safety standards.

Note: Consumers should install combination smoke and CO detectors on each level of their homes and outside separate sleeping areas. Combination smoke and CO detectors should be battery operated or have battery backup. Test combination smoke and CO detectors frequently and replace batteries as needed.

Report a dangerous product or a product-related injury on www.SaferProducts.gov.

Individual Commissioners may have statements related to this topic. Please visit www.cpsc.gov/commissioners to search for statements related to this or other topics.

Sold At:

Model No. JKD512 and JKD512COM were sold under the Amazon ASINs B0CKZG94TL, B0CPPWM3ZD, B0CKZGDKTS, B0CPPX415C, B0CPPXKYLN, B0CJMFNPR2, B0CJMFH6ZP, and B0CKZGKX56 on Amazon.com for between \$16 and \$38. The combination smoke and CO detectors were also sold online at Aliexpress.com and Alibaba.com.

Manufacturer(s):

Shenzhen Jikaida Technology, of China

Importer(s):

Shenzhen Juzhian Electronics Co., Ltd, of China

Product Safety Warning Number:

24-292

Note: Individual Commissioners may have statements related to this topic. Please visit www.cpsc.gov/commissioners to search for statements related to this or other topics.

If you experienced a safety incident with this product, report it to CPSC on SaferProducts.gov

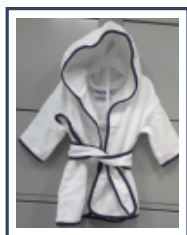
Exhibit B



CPSC Warns Consumers to Immediately Stop Using Chad & Jake Children's Robes Due to Burn Hazard; Violations of Federal Flammability Regulations for Children's Sleepwear



White Children's Robe with Purple Trim



Name of Product:

Chad & Jake children's robes

Hazard:

The robes can catch fire, posing a risk of burn injuries to children. The children's robes fail to comply with federal safety regulations for children's sleepwear.

Consumer Action:

CPSC urges consumers to stop using the children's robes immediately and dispose of them. Do not sell or give away these hazardous children's robes.

Product Safety Warning Date:

October 24, 2024

Product Safety Warning Details

Description:

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) is warning consumers to immediately stop using Chad & Jake children's robes because they can catch fire, posing a risk of burn injuries to children. The children's robes fail to comply with federal safety regulations for children's sleepwear.

Children's sleepwear that is not flame-resistant and cannot self-extinguish poses a burn risk to children if they come into contact with flames from sources such as matches, lighters, candles, ranges, stoves, space heaters, fireplaces, etc.

The CPSC sent a Notice of Violation to the retailer, Black Olive Partners LLC, of Boca Raton, Florida, doing business as Designs by Chad & Jake. Chad & Jake has not agreed to recall these children's robes or offer a remedy to consumers.

The children's robes were sold online on various websites including chadandjake.com, amazon.com, fanatics.com, milehighsportsfan.com, lids.com, mlsstore.com, fanoutfitters.com, pelesoccer.com, secstore.com, celticsstore.com, kitbag-us.com, store.nascar.com, store.nba.com, shop.nhl.com, clemson.spirit.bncollege.com, shop.warriors.com, bu.shoptruespirit.com and shop.theamerican.org for about \$50. The children's robes were imported from January 2011 through June 2024.

CPSC tested the children's robes in size 1/2, with White with Purple Trim. CPSC is aware that the firm also sold additional colors/styles: White with Black Trim, White with Pink Gingham Trim, White with Red Trim, White with Hunter Green Trim, White with Blue Gingham Trim, White with Royal Blue Trim, White with Navy Trim, Black with Black Trim, Red with Red Trim, Royal Blue with Royal Blue Trim, and Navy Blue with Navy Blue Trim.

The 100% cotton, terry cloth children's robes are long-sleeved, hooded robes with a belt attached. The hood, wrists, belt, down the front center and hem of the robe have colored trim. Some robes have monograms embroidered on the upper right-hand corner of the robe with a child's name and/or logo/emoji. "Designs by Chad & Jake" and www.CHADandJAKE.com are printed on the front of the neck label. "MADE IN CHINA", "RN 165297", batch number and washing instructions are printed on the back of the neck label.

CPSC urges consumers to stop using the children's robes immediately and dispose of them. Do not sell or give away these hazardous children's robes.

Report any incidents involving injury or product defect to CPSC at www.SaferProducts.gov.

Sold Online At:

The children's robes were sold online on various websites including chadandjake.com, amazon.com, fanatics.com, milehighsportsfan.com, lids.com, mlsstore.com, fanoutfitters.com, pelesoccer.com, secstore.com, celticsstore.com, kitbag-us.com, store.nascar.com, store.nba.com, shop.nhl.com, clemson.spirit.bncollege.com, shop.warriors.com, bu.shoptruespirit.com and shop.theamerican.org for about \$50. The children's robes were imported from January 2011 through June 2024.

Retailer:

Black Olive Partners LLC, of Boca Raton, Florida, doing business as Designs by Chad & Jake

Manufactured In:

China

Product Safety Warning Number:

25-017

Note: Individual Commissioners may have statements related to this topic. Please visit www.cpsc.gov/commissioners to search for statements related to this or other topics.

If you experienced a safety incident with this product, report it to CPSC on SaferProducts.gov

CERTIFICATE OF SERVICE

I hereby certify that, on November 19, 2024, a true and correct copy of the foregoing document was, pursuant to the Order Following Prehearing Conference entered by the Presiding Officer on October 19, 2021:

- filed by email with the Secretary of the U.S. Consumer Product Safety Commission Alberta Mills at amills@cpsc.gov; and
- served to Complaint Counsel by email at jeustice@cpsc.gov, lwolf@cpsc.gov, sanand@cpsc.gov, fmillett@cpsc.gov, and tmendel@cpsc.gov.

Jamie Dominique U. Magcale

Jamie Dominique U. Magcale