

Exhibit 95

Officials worry about consumers lost among the recalls

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McDonald's asked customers to return 12 million glasses emblazoned with the character Shrek. Kellogg's warned consumers to stop eating 28 million boxes of Froot Loops and other cereals. Campbell Soup asked the public to return 15 million pounds of SpaghettiOs, and seven companies recalled 2 million cribs.



McDonald's recalled 12 million "Shrek"-themed glasses because of cadmium in the paint, and 28 million boxes of Froot Loops and other cereals were recalled because of an off smell. (Associated Press)

And that was just a fraction of the products recalled in the United States last month alone.

Government regulators, retailers, manufacturers and consumer experts are concerned that recall notices have become so frequent across a range of goods -- foods, consumer products, cars -- that the public is suffering from "recall fatigue."

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In many cases, people simply ignore urgent calls to destroy or return defective goods.

One recent study found that 12 percent of Americans who knew they had recalled food at home ate it anyway. After Hasbro recalled the iconic Easy Bake Oven in 2007 because about two dozen children had gotten fingers stuck in the door, the toymaker received 249 more reports of injuries over the following six months. One 5-year-old girl was so seriously burned that doctors had to partially amputate a finger.

"It's a real issue," said Jeff Farrar, associate commissioner for food protection at the Food and Drug Administration, who said even his wife has complained about the difficulty of keeping pace with recalls. "That number is steadily going up, and it's difficult for us to get the word out without oversaturating consumers."

Advertisement The problem is twofold: Some people never learn that a product they own has been recalled, and others know they have a recalled product but don't think anything bad will happen.

"The national recall system that's in place now just doesn't work," said Craig Wilson, assistant vice president for quality assurance and food safety at Costco. "We call it the Chicken Little syndrome. If you keep shouting at the wind -- 'The sky is falling! The sky is falling!' -- people literally become immune to the message."

The government maintains a Web site, <http://www.recalls.gov>, offering information about all kinds of recalls, and consumers can subscribe for e-mail alerts about specific products. On Friday, federal officials plan to roll out a smartphone application so consumers can check recalls as they shop.

But it amounts to overload, said William K. Hallman, professor of human ecology at Rutgers, the State University of New Jersey.

"There is so much information out there, if you paid attention to every recall notice that came out every day, you'd go nuts," said Hallman, who has studied consumer attitudes toward food recalls with a grant partially funded by the U.S. Department of Agriculture. He conducted a national survey last year in which 12 percent of respondents said they knowingly had eaten a recalled food.

"Human beings are complex creatures," he said. "Some do exactly the opposite of what they're told to do."

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Officials worry about consumers lost among the recalls

Any recall has two targets: retailers and consumers. Government regulators say most stores can quickly pull defective products from shelves and block their sale at the cash register. The tougher battle is getting the consumer to act.

"We do a good job of getting dangerous products off store shelves, but we do believe the greatest challenge is getting dangerous products out of the homes," said [Inez Tenenbaum](#), chairman of the Consumer Product Safety Commission, which oversaw 465 product recalls in 2009, involving tens of millions of items ranging from circular saws to Jesus Fish Beads.

If a product is relatively expensive, consumers are more likely to return it for a replacement or a repair. They're also more likely to act if they perceive an immediate threat to their health or safety.

Advertisement Car owners are among the most responsive, returning 73 percent of recalled autos and 45 percent of recalled child car seats in 2009, according to the National Highway Transportation Safety Administration. Of the 7.7 million vehicles recalled by Toyota in the past year, 3.7 million, or just under half, have been brought in and repaired, said Brian Lyons, a company spokesman. The company expects that number to grow because replacement parts for some of the vehicles have only just been made available, he said.

Meanwhile, consumers return about 30 percent of everyday consumer goods when they are recalled, said Marc Schoem, the top recall official at the Consumer Product Safety Commission. In cases involving a costly appliance, or a product where a defect could be lethal, such as scuba diving equipment, about 60 percent of consumers return the product, he said.

When it comes to food recalls, the government doesn't estimate the average return rate for products.

William Marler, a Seattle-based lawyer who has represented plaintiffs in major food-poisoning cases since 1993, said food recalls generally are not effective, especially when they involve perishables -- vegetables or meat, for example. "By the time they figure out they have an outbreak and they can connect it to a food, most of that food is already eaten," he said.

And when it comes to foods with a longer shelf life, Marler said people have often eaten the product and become sick after it has been recalled.

Despite a highly publicized recall in 2007, consumers continued to eat Peter Pan peanut butter contaminated with salmonella, and at least 100 people fell ill after the government warnings, according to the U.S. Centers for Disease Control and Prevention. The same year, Banquet frozen pot pies were recalled in October because of salmonella contamination, but consumers were still eating the pies and getting sick through December, according to the CDC.

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The best way to prod consumers to respond to recalls is for manufacturers to notify them directly, experts say.

Carmakers use auto registration information to track down customers. "When you get a letter from Toyota saying there's a safety problem, you can't say, 'They're not talking about me,'" Hallman said.

Costco uses the data gathered through cards carried by its 56 million wholesale club members and calls them within 24 hours if they have purchased a recalled item. The company follows up with a letter.

"When we get a recall notice, I can tell you everybody who bought that product, exactly where and when they bought that, and I have their phone and address," said Costco's Wilson. "I'll make a phone call the day the recall is announced, in a human voice, and the message goes right to them and tells them what's going on, in clear, easy-to-understand language."

The result is that the vast majority -- in some cases 90 percent -- of Costco customers return recalled products to the store, Wilson said.

The federal government ought to require merchants to follow a similar model, provided customer data are used only for safety recalls, Wilson said.

Reaching consumers directly is the idea behind a federal law that took effect this week. It requires manufacturers of durable toddler and baby items -- cribs, high chairs and bathtubs, among them -- to include registration cards with those products. Before this week, only manufacturers of child car seats were required to provide those cards.

The new law was named after 16-month-old Danny Keysar of Chicago, who died in May 1998 at his day-care facility when a Playskool Travel-Lite portable crib collapsed, trapping his neck in its folded rails. Danny's parents' grief turned to rage when they learned that the crib had been recalled five years earlier, said Nancy Cowles, executive director of Kids In Danger, a nonprofit group founded by the Keysars. The parent who donated the crib to the child-care facility didn't know it had been recalled.

"Recalls by themselves are just not very effective," Cowles said. "Of course, the most effective solution is to have stricter standards and make safer products so we don't need a recall in the first place."

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