

Congress of the United States

Washington, DC 20510

March 9, 2022

Mr. Ynon Kreiz  
Chief Executive Officer  
Mattel, Inc.  
333 Continental Boulevard  
El Segundo, California 90245

Dear Mr. Kreiz,

We write to express alarm and frustration about the apparent continued issues with the 2019 recall of Fisher-Price's Rock 'n Play Sleeper. Recent reporting has revealed that the progress of the recall has stalled, leaving hundreds of thousands of products left unaccounted for, and perhaps in use by parents and caregivers. We are today writing to request answers about Fisher-Price's work and involvement in the recall.

As you are well aware, in 2019, after dozens of infant deaths, the Consumer Product Safety Commission (CPSC) announced that Fisher-Price was recalling the Rock 'n Play<sup>1</sup>; since the recall, the number of infant deaths and injuries have continued to increase. A Consumer Reports investigation, released on February 4, 2022, revealed that at least eight infants have died in the Rock 'n Play since the 2019 recall.<sup>2</sup> This figure is devastating, and these deaths were avoidable. Products should be swiftly removed from the market following a recall, and consumers need to be notified, not once, not twice, but however many times it may take for the product to be returned.

In the case of the Rock 'n Play, it is apparent from the February 4 Consumer Reports story that this is not what Fisher-Price has done. An ongoing lawsuit has revealed that some consumers allege that they never even received a recall notification from Fisher-Price or Mattel. In addition, Fisher-Price and Mattel reported to the CPSC that fewer than eight percent of Rock 'n Plays had been accounted for at the end of 2020—only 395,239 of the 4.84 million units that were recalled starting in 2019.<sup>3</sup> While consumer interest in recalls is expected to dip in the months following the recall, this recall performance is abysmal and unacceptable.

In addition, your company continues to insist, despite all available evidence, that the Rock 'n Play is “safe when used in accordance with its instructions and warnings”<sup>4</sup>—a message

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<sup>1</sup> “Fisher-Price Recalls Rock 'n Play Sleepers Due to Reports of Deaths,” United States Consumer Product Safety Commission, <https://www.cpsc.gov/Recalls/2019/Fisher-Price-Recalls-Rock-n-Play-Sleepers-Due-to-Reports-of-Deaths>.

<sup>2</sup> Ryan Felton, “At Least 8 Infant Deaths Linked to Fisher-Price Rock 'n Play Sleepers Occurred After the Product Was Recalled,” *Consumer Reports*, February 4, 2022, <https://www.consumerreports.org/baby-product-recalls/deaths-linked-to-fisher-price-rock-n-play-after-recall-a1183945428/>.

<sup>3</sup> Felton, “At Least 8 Infant Deaths Linked to Fisher-Price Rock 'n Play Sleepers Occurred After the Product Was Recalled.”

<sup>4</sup> Minyonne Burke, “Fisher-Price Ignored Warnings for Sleeper Dozens of Infants Died In, Congressional Report Says,” *NBC News*, June 8, 2021, <https://www.nbcnews.com/business/business-news/fisher-price-ignored-warnings-sleeper-dozens-infants-died-congressional-report-n1269965>.

that may dissuade or confuse consumers about the severity of the recall, or persuade new consumers to use the Rock 'n Play. In fact, we can see this mixed messaging in action—possibly leading new consumers to purchase Rock 'n Plays. The February 4 Consumer Reports story, as well as a November 3, 2021, report from USA TODAY, found that Rock 'n Plays, as well as a multitude of other recalled products, continue to exist for sale on online marketplaces, such as Facebook Marketplace.<sup>5,6</sup> These listings can reach new parents and caregivers, including those that have never received a recall notification from Fisher-Price and are completely unaware of the harms the Rock 'n Play may pose to their infant.

It is clear that Fisher-Price may have underinvested in recall efforts and continued to pursue messaging to confuse parents and caregivers. As such, we write today to request information on the efforts that your company has taken to notify consumers of the recall—and remove Rock 'n Plays from homes and the market. It is clear from your own data that more needs to be done to protect your consumers.

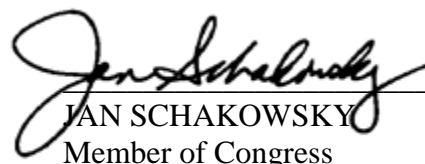
1. How did Fisher-Price determine who should receive recall notifications following the 2019 recall?
  - a. How many recall notifications did Fisher-Price send?
2. Did Fisher-Price track recall notifications and the subsequent response from the notified consumer?
3. How did Fisher-Price follow up with consumers who failed to respond to the initial notification?
4. What additional work has Fisher-Price done to spread recall awareness among consumers?
5. Beyond required reporting, how does Fisher-Price work with the CPSC to advance recall efforts?
6. Does Fisher-Price work with or surveil online marketplaces, like Facebook Marketplace, for the Rock 'n Play?
  - a. If yes, how does Fisher-Price work to have online listings for the Rock 'n Play removed by the platform?

Given the serious threat to consumers, we ask that you respond to this letter by no later than March 23, 2022.

Sincerely,



RICHARD BLUMENTHAL  
United States Senate



JAN SCHAKOWSKY  
Member of Congress

<sup>5</sup> Felton, "At Least 8 Infant Deaths Linked to Fisher-Price Rock 'n Play Sleepers Occurred After the Product Was Recalled."

<sup>6</sup> Tricia Naldony "Recalled Items That Have Killed Kids Still On Facebook," *USA Today*, November 3, 2021, <https://www.usatoday.com/in-depth/news/investigations/2021/11/03/facebook-marketplace-sale-recall-boppy-lounger/6140902001/>.