

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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### Opening Statement

**Chairwoman Carolyn B. Maloney**

**Committee on Oversight and Reform**

**“Sleeping Danger: The Rock ‘n Play and Failures in Infant Product Safety”**

**June 7, 2021**

Today’s hearing addresses the tragic consequences of companies selling dangerous consumer products, and the federal government failing to protect Americans from these products.

Specifically, we will examine the Rock ‘n Play, an infant sleeping product sold by Mattel under the Fisher-Price brand. In the 10 years this product was on the market, at least 50 infants died while using it. That is at least 50 young lives cut short, and 50 families shattered by the grief of losing of a child.

Yet Mattel and its subsidiary, Fisher-Price, walked away with more than \$200 million dollars in revenue.

In 2019, this Committee [launched](#) an exhaustive investigation into how the Rock ‘n Play was developed, marketed, and later recalled. Our staff conducted interviews and reviewed thousands of pages of documents. This morning, we [released](#) a [staff report](#) detailing our findings.

What we found was shocking. It is a national scandal.

When Mattel released the Rock ‘n Play in 2009, it was the only product of its kind on the market. Pediatricians had advised for years that infants should sleep on a firm, flat crib mattress to prevent injury or death, but the Rock ‘n Play was a padded seat holding infants at a 30-degree angle.

Even though this new design conflicted with safety guidelines, our investigation shows that Mattel did not consult with a single pediatrician or conduct a single scientific study to find out if it was safe for babies to sleep at an angle.

Internal documents also show that over the decade this product was sold, Mattel ignored urgent warnings from international regulators, pediatricians, and even its own customers, that the Rock ‘n Play was unsafe.

For example, in 2010, a regulator in Australia warned Mattel that using this product as a sleeper, quote, “is at odds with widely accepted and promoted best practices.”

In 2011, the company was banned from marketing the Rock ‘n Play as a sleeper in Canada because of safety concerns.

And in 2013, an American pediatrician wrote to Mattel, quote, “I am concerned that parents are using this product as a routine sleeping area for their babies. This is unsafe.”

**Mattel also received a steady drumbeat of reports that infants as young as two months old had stopped breathing or even died in the Rock ‘n Play. Mattel employees admitted to the Committee that the company knew about those deaths and injuries, but Mattel claimed that its product was not the problem.**

In 2018, the Consumer Product Safety Commission, or CPSC, finally became concerned about the number of infant deaths in the Rock ‘n Play and demanded information about the product from the company.

But rather than take action to warn consumers, Mattel pushed back against CPSC's concerns in private for nearly a year to try to avoid a recall.

Mattel kept denying that there was any problem with the Rock 'n Play, even as more and more infants died.

The CPSC was legally prohibited from warning the public about the dangers with the Rock 'n Play during these negotiations. That is because the Consumer Product Safety Act makes it extremely difficult for the agency to disclose information about dangerous products without the consent of the manufacturer.

In fact, Mattel only agreed to a recall after it became clear that Consumer Reports was about to publish damning evidence that dozens of infants died using the Rock 'n Play.

**The Committee's investigation makes clear that Mattel and its subsidiary Fisher-Price put profits over people, with tragic results.**

On Friday, we learned that Mattel is [recalling](#) two more inclined infant products that the company marketed for sleep, the Rock 'n Glide Soother and Soothe 'n Play Glider, after four infants rolled over in the Rock 'n Glide and suffocated. In other words, they died because of the exact same dangerous product design as the infants who died in the Rock 'n Play.

**It is shocking that Mattel did not remove those products from the market sooner given the devastating consequences of keeping the Rock 'n Play on the market.**

Stronger regulations can prevent these tragedies.

**Current law cedes far too much power to the corporations selling consumer products, while tying the hands of the government agency charged with keeping us safe.**

The law allows many companies to be subject to only voluntary standards—that they help create—rather than mandatory safety rules. And it does not give the CPSC the tools it needs to prevent dangerous products from being released to the public or to remove products from the market when they prove to be dangerous.

**We must strengthen our nation's consumer protection laws and empower the CPSC to do its job, so that companies making money off a product don't have the final word on whether it is safe.**

I encourage my colleagues to carefully review the [findings](#) from the Committee's investigation, and to work together on a bipartisan basis to better protect Americans from dangerous products.

I want to close by playing video statements from parents who want to share their experiences about their immeasurable loss.

Thank you, and I now recognize Mr. Cloud for an opening statement.

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