

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____))
In the Matter of))
))
AMAZON.COM, INC.))
)) CPSC DOCKET NO.: 21-2
))
))
Respondent.))
_____)

AMENDED [PROPOSED]
INITIAL ORDER

Having partially granted Complaint Counsel’s Motion for Summary Decision after considering any Opposition, and argument relating thereto, the court finds that

1. The Subject Product children’s sleepwear garments present a substantial product hazard under Section 15(a)(1) of the Consumer Product Safety Act (“CPSA”), 15 U.S.C. § 2064(a)(1);¹
2. The Subject Product carbon monoxide detectors present a substantial product hazard under Section 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2);² and
3. The Subject Product hair dryers present a substantial product hazard under Section 15(a)(2) and (j) of the CPSA, 15 U.S.C. § 2064(a)(2) and (j).³

To remedy Respondent Amazon.com, Inc.’s (“Amazon’s”) distribution of the Subject Products and in furtherance of the public interest, it is ORDERED that Amazon do the following pursuant to the CPSA, 15 U.S.C. § 2064(c) and (d):

1. Immediately cease distribution of the Subject Products and notify all persons or

¹ Order on Summary Decision Motions, Dkt. 109, at § VI.A.1.
² *Id.*, at § VI.A.2.
³ *Id.*, at § VI.A.3.

entities that transport, store, distribute, or otherwise handle any Subject Product, or to which any Subject Product has been transported, sold, distributed, or otherwise handled, to immediately cease distribution of the Subject Products (using the notification attached as Exhibit A);⁴

2. Immediately cease distribution of all products having only variations in size, color, and style from the Subject Products and presenting the same hazard, as well as any products that Amazon has been informed by the CPSC present the same hazard.⁵
3. Issue notifications of the substantial product hazards presented by the Subject Products in accordance with 15 U.S.C. § 2064(i)(2) and the Guidelines and Requirements for Mandatory Recall Notices as set forth at 16 C.F.R. §§ 1115.23 - 1115.29,⁶ attached as Exhibits B and C, as follows:
 - a. Within ten (10) days of this Order becoming the Final Decision and Order of the Commission pursuant to 16 C.F.R. § 1025.52, the CPSC shall publish the press releases (Exhibit B) on its website,⁷ and Amazon shall send the first round of email notifications to original purchasers (Exhibit C) simultaneously.⁸ Amazon shall send a second round of the email notifications (Exhibit C) approximately two weeks after sending the first round of email notifications;
 - b. Within ten (10) days of this Order becoming the Final Decision and Order of the Commission pursuant to 16 C.F.R. § 1025.52, Amazon

⁴ *Id.*, at §VI.D.1.a. and p.47 (Order).

⁵ *Id.*, at §VI.D.1.b.

⁶ *Id.*, at §VI.D.2

⁷ *Id.*, at §VI.D.2.c.

⁸ *Id.*, at §VI.D.2.d.

shall:

- i. Create a clear and conspicuous link on its home page to its “Product Safety and Recalls” site;
- ii. Simultaneous to the CPSC publishing the press release on its website, publish a clear and conspicuous notice in a form substantially similar to the draft press releases (attached as Exhibit B) to Amazon’s “Product Safety and Recalls” pages on Amazon.com so that it can be viewed by a person querying the product on Amazon’s site, including non-purchasers of the Subject Products;
- iii. Post notice of the recall for each original purchaser on their “Your Orders” page, linking to their personalized “Your Recalls and Product Safety Alerts” page;
- iv. Post the notices attached as Exhibit D on its social media platforms (Facebook: Amazon and AmazonHelp; Twitter: @amazon and @AmazonHelp; Instagram: @amazon).
Amazon shall issue the social media notices on the same date as the CPSC press releases and first round of email notifications are published. Subsequently, Amazon shall post the notice to its social media accounts once every seven (7) calendar days for three (3) weeks after the first announcement is made;
- v. Issue the clear and conspicuous notice on Amazon’s

“Product Safety and Recalls” page, and through Amazon’s official Facebook, Twitter, and Instagram accounts on the same date as the CPSC press releases and first round of email notifications are published;

- vi. Maintain the notice on its “Product Safety and Recalls” page and maintain its social media posts for a minimum of ten (10) years; and
 - vii. Send notice of the substantial product hazard posed by the Subject Products to known second-hand retailers, thrift stores, and online re-sale websites including Facebook Marketplace, Alibaba, Etsy, eBay, Offerup, Alibaba and Craigslist (Exhibit E);⁹ Amazon shall issue the notice to the second-hand retailers, thrift stores, and online re-sale websites on the same date the press releases and email notifications are published.
- c. Within ten (10) days of this Order becoming the Final Decision and Order of the Commission pursuant to 16 C.F.R. § 1025.52 and prior to the issuance of the joint press releases, the notice on Amazon’s website, and the email notifications to consumers, Amazon shall establish the contact information required by 15 U.S.C. § 2064(i)(2)(H)(iii) and 16 C.F.R. § 1115.27(n)(3) to provide information about the remedy to consumers, including a toll-free telephone number staffed by personnel familiar with the recall and

⁹ *Id.*, at §VI.D.2.e.

open during regular business hours, a website URL for frequently-asked questions (“FAQs”) (attached as Exhibit F), and an email address (together, the “recall response system”) for consumers to respond to the recall announcement. The toll-free telephone number and the website shall include information about the hazards posed by the Subject Products and the remedy described in Paragraph 4.

below;

- i. Amazon shall activate the recall response system referenced above prior to the issuance of the joint press releases and shall maintain it for a minimum of ten (10) years.
4. Amazon shall instruct consumers to respond to its email notification directly in the Amazon messaging app or to Amazon’s email address described in Paragraph 3(c) above to either arrange for a prepaid mailing package and shipping label to be sent to them, or to provide photographic evidence of destruction of the Subject Products, in accordance with the procedures set out in subparagraphs 4(a) through 4(c) below. Amazon shall specify in the notices referenced in Paragraph 3 above whether it will be providing a prepaid mailing package and shipping label to consumers, requiring photographic evidence of destruction, or making both options available to consumers. Upon receipt of the returned Subject Products or photographic evidence of destruction, Amazon shall refund consumers the purchase price of the products to consumers in the form of Amazon credit to their account. No expense shall be incurred by consumers in returning or destroying

the Subject Products.¹⁰

- a. Purchasers of the Subject Product children's sleepwear garments will either be instructed to return the products using the pre-paid packaging or to cut the sleepwear in half vertically and horizontally and provide photographic proof via email or message to Amazon that they have done so.
 - b. Purchasers of the Subject Product carbon monoxide detectors will be instructed to return the products using the pre-paid packaging.
 - c. Purchasers of the Subject Product hair dryers will either be instructed to return the products or to cut the cord of the hair dryer and provide photographic proof via email or message to Amazon that they have done so.
 - d. Alternatively, Amazon may issue a Subject Product carbon monoxide detector replacement, submitted to Complaint Counsel and approved by Complaint Counsel for equal value and safe use, to original purchasers of the Subject Product carbon monoxide detectors, conditioned upon those purchasers and owners returning the Subject Products to Amazon (at no expense to consumers).¹¹
5. Amazon shall immediately quarantine, segregate and mark as recalled all Subject Products in its possession, custody or control, including all Subject Products that are returned from consumers. In addition, Amazon shall:
- a. Quarantine and destroy the Subject Products possessed by Amazon

¹⁰ *Id.*, at §VI.D.3.

¹¹ *Id.*, at §VI.D.4.

- and returned by consumers;
- b. Inform any third-party entities to destroy any Subject Products in their inventory; and
 - c. Submit to Complaint Counsel, in the form of a certificate or declaration of an individual with personal knowledge, proof of destruction of any remaining Subject Products possessed by Amazon and of all returned Subject Products.
 - d. Prior to the disposal or destruction of the Subject Products in the distribution chain and in inventory (including transfer for disposal or destruction to a third party), Amazon shall notify recalledproductdisposal@cpsc.gov and Complaint Counsel so that CPSC may have the opportunity to witness such disposal, destruction, or transfer of the Subject Products. The notification shall include the items being destroyed, quantity being destroyed, location of destruction, and the planned method of destruction. CPSC may witness or verify such disposal, destruction, or transfer of the Subject Products at CPSC's discretion. In addition, CPSC may request that Amazon verify such destruction through sworn affidavit or other means.
 - e. The method of destruction employed by Amazon shall comply with all federal, state, and local regulations, and Amazon shall ensure that the Subject Products are destroyed so that they cannot be reused or reenter the stream of commerce.
6. Amazon shall submit via the electronic Monthly Progress Report system

<https://apps.saferproducts.gov>), once per month, within 5 business days of the first of each month, starting the first full month after this Order becomes the Final Decision and Order of the Commission pursuant to 16 C.F.R. § 1025.52, separate Monthly Progress Reports for each of the three types of Subject Products detailing the implementation of this Order, including, but not limited to, the following:¹²

- a. The information referenced in Paragraphs 4(a) through 4(d) above;
- b. The number of Subject Products in Amazon's possession and in the possession of consumers;
- c. The number of Subject Products possessed by Amazon that were destroyed during the reporting dates, along with proof of destruction in the form of a certificate or declaration of an individual with personal knowledge;
- d. The number of incidents, injuries, and deaths reported to Amazon during the reporting dates that are related to the Subject Products;
- e. The number of consumers notified about the Subject Products during the reporting dates;
- f. The number of consumers who contacted Amazon about the Subject Products during the reporting dates;
- g. The number of website hits that Amazon received on its dedicated website for the recall of the Subject Products during the reporting

¹² *Id.*, at §VI.D.5.

dates;

- h. The number of times Amazon posted the recall notice on its social media platforms during the reporting dates; and
 - i. Whether Amazon located any additional units of the Subject Products for sale on other platforms, including, but not limited to, online re-sale, auction, and wholesale websites.
7. Maintain all records of Amazon's actions taken to comply with the Order for a period of ten (10) years after the service of the Order, and supply such records to Complaint Counsel upon request so that Complaint Counsel can monitor compliance with the Order.

Dated: _____

Hon. Jason S. Patil
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2023, a copy of the foregoing was served upon all parties and participants of record in these proceedings as follows:

By email to the Secretary:

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
Email: AMills@cpsc.gov

By email to the Presiding Officer:

Judge Jason S. Patil
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549
alj@sec.gov

By email to Counsel for Respondent:

Sarah L. Wilson
Stephen P. Anthony
Thomas R. Brugato
Nicholas Griepsma
Rukesh A. Korde
Kevin F. King
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20001-4956
swilson@cov.com
santhony@cov.com



Complaint Counsel for
U.S. Consumer Product Safety Commission

Exhibit A

[MONTH] 2023

IMPORTANT RECALL NOTICE – CHILDREN’S SLEEPWEAR GARMENTS – CEASE DISTRIBUTION NOTICE

Dear [Name of Third-Party Seller]

Our records indicate that you transported, stored, distributed, or otherwise handled a children’s sleepwear garment that is subject to a mandatory recall by Amazon and the U.S. Consumer Product Safety Commission. The CPSC may have previously asked you to conduct a voluntary safety recall of these children’s sleepwear garments. The bathrobes and pajamas fail to meet the flammability standards for children’s sleepwear, posing a risk of burn injuries and even death to children.

The children’s sleepwear garments include the “HOYMN Little Girl’s Lace Cotton Nightgowns”, “IDGIRLS Kids Animal Hooded Soft Plush Flannel Bathrobes”, “Home Sweet Boy’s Plush Fleece Robe Shawl Skull and Hooded Spacecraft Printed Soft Kids Bathrobe”, and “Taiycyxgan Little Girl’s Coral Fleece Bathrobe”, all sold on Amazon.com between June 2016 and February 2020 for between \$18 and \$31.



The HOYMN nightgowns were sold in white, blue, pink, and purple in both short sleeve and long sleeve versions. Both versions have a white lace trim around the neckline. The nightgowns are made of 100% cotton, and the material, size, and washing instructions are printed in Chinese on a tag on the inside of the garment.



The IDGIRLS bathrobes were sold in yellow, blue, orange, pink and white. They have a hood with animal features such as face and ears, as well as a belt on the waist. A tag on the inside of the robe says “Flannel” and “KEEP AWAY FROM FIRE HEAT SOURCE” and also lists the size of the robe.



The Taiycyxgan bathrobes were sold in pink, green, brown, gray, red, white, cream, and yellow. They have a hood with cat whiskers and ears, as well as a belt on the waist. The robes are made out of 100% polyester, and the material composition, washing instructions and the robes' size are printed on a tag on the inside of the garment.



The Home Swee bathrobes were sold with a “Minecraft Style Skull Print” where the background color is black, and the skulls are in white and gray. They also feature a belt on the waist. The robes are also made out of 100% polyester, and a tag on the inside of the robes lists their composition, washing instructions, the robes’ size, and the instruction to “KEEP AWAY FROM FIRE”.

Please immediately cease distributing the recalled sleepwear. If you have recalled children’s sleepwear in your inventory, please destroy it immediately.

Please review the Recalls and Product Safety Alerts page for further details:

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GLD7VXFKV4AWU78X> .

More details can also be found in the following press release: [LINK TO CPSC PRESS RELEASE].

If you have any questions, contact Amazon Seller Support at <http://sellercentral.amazon.com>, via email at [INSERT EMAIL], by calling toll-free [INSERT], or by visiting our “Frequently Asked Questions” dedicated to the topic at [https://www.amazon.com/\[INSERT\]](https://www.amazon.com/[INSERT]).

Thank you for your understanding.

[MONTH] 2023

IMPORTANT RECALL NOTICE – CARBON MONOXIDE DETECTORS – CEASE DISTRIBUTION NOTICE

Dear [Name of Third-Party Seller]

Our records indicate that you transported, stored, distributed, or otherwise handled a carbon monoxide detector (“CO detector”) that is subject to a mandatory recall by Amazon and the U.S. Consumer Product Safety Commission. The CPSC may have previously asked you to conduct a voluntary safety recall of these children’s sleepwear garments. The recalled CO detectors can fail to alert consumers to the presence of a hazardous level of carbon monoxide, posing a risk of carbon monoxide poisoning or death. Carbon monoxide (“CO”) is an odorless, colorless, poisonous gas. The recalled CO detectors were manufactured by WJZXTEK, Zhengzhou Winsen Electronics Technology Company and BQQZHZ and sold between February 2018 until November 2020 on Amazon.com for between \$14 and \$37.

The recalled CO detectors all have a round “Test” button in the middle of the unit, with three or four slashes for the speakers on the right and left of the test button.



The CO detector manufactured by BQQZHZ features a red “alarm” indicator and a green “power” indicator side-by-side between the test button and a carbon monoxide indicator screen.



The CO detector manufactured by WJZXTEK and the two detectors manufactured by Zhengzhou Winsen Electronics Technology Company have a carbon monoxide indicator below the test button, and the red and green indicators arranged in a vertical line above the test button. None of the CO detectors have a visible logo or brand name.

Please immediately cease distributing the recalled CO detectors. If you have recalled CO detectors in your inventory, please destroy them immediately.

Please review the Recalls and Product Safety Alerts page for further details:

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GLD7VXFVKV4AWU78X> .

More details can also be found in the following press release: [LINK TO CPSC PRESS RELEASE].

If you have any questions, contact Amazon Seller Support at <http://sellercentral.amazon.com>, via email at [INSERT EMAIL], by calling toll-free [INSERT], or by visiting our “Frequently Asked Questions” dedicated to the topic at [https://www.amazon.com/\[INSERT\]](https://www.amazon.com/[INSERT]).

Thank you for your understanding.

[MONTH] 2023

IMPORTANT RECALL NOTICE – HANDHELD COMBINATION HAIRDRYERS – CEASE DISTRIBUTION NOTICE

Dear [Name of Third-Party Seller]

Our records indicate that you transported, stored, distributed, or otherwise handled a combination hairdryer that is subject to a mandatory recall by Amazon and the U.S. Consumer Product Safety Commission. The CPSC may have previously asked you to conduct a voluntary safety recall of these children's sleepwear garments. The recalled hairdryers do not have an immersion protection device, meaning they pose a risk of electrocution, shock and death to the user if the hairdryer comes into contact with water when plugged in.

The recalled hair dryers were sold on Amazon.com between June 2019 until March 2021 for between \$19 and \$70.

The hairdryers were sold in multiple colors and styles and/or with interchangeable brush heads. When turned on, air enters the hairdryers at the base of the handle, a heating element warms the air, and the air exits through openings along the length of the hairbrush. The products are designed to straighten, curl and wave hair. The hairdryers can be identified based on their seller/manufacturer on Amazon.com, which is available below.



Recalled OSEIDOO, SARCCH, Raxurt Store, Xianming, VIBOOS, Lets Funny, Bvser Store, GEPORAY, Miserwe, BEAUTIKEN, Admitrack, LANIC, Dekugaa Store and ADTZYLD hair dryer



Recalled Aiskki hair dryer



Recalled ADTZYLD and LEMOCA hair dryer



Recalled KENLOR, Romancelink and BZ hair dryer



Recalled KIPOZI hair dryer



Recalled Ohuhu hair dryer



Recalled tiamo airtrack, SUNBA YOUTH STORE/Naisen hair dryer



Recalled Techip, hair dryer



Recalled ELECDOLPH, TDYJWELL, Bownyo, Songtai, Surelang Store Shaboo Prints hair dryer



Recalled OWEILAN hair dryer



Recalled Bongtai hair dryer



Recalled Nisahok hair dryer

Please immediately cease distributing the recalled s. If you have recalled CO detectors in your inventory, please destroy them immediately.

Please review the Recalls and Product Safety Alerts page for further details:

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GLD7VXFKV4AWU78X> .

More details can also be found in the following press release: [LINK TO CPSC PRESS RELEASE].

If you have any questions, contact Amazon Seller Support at <http://sellercentral.amazon.com>, via email at [INSERT EMAIL], by calling toll-free [INSERT], or by visiting our “Frequently Asked Questions” dedicated to the topic at [https://www.amazon.com/\[INSERT\]](https://www.amazon.com/[INSERT]).

Thank you for your understanding.