

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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**MEMORANDUM**

**June 2, 2021**

**To: Members of the Committee on Oversight and Reform**

**Fr: Committee Staff**

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

On **Monday, June 7, 2021, at 11:00 a.m. ET**, the Committee will hold a hybrid hearing **in room 2154 of the Rayburn House Office Building and remotely on the Zoom video platform** on the Committee’s investigation into dozens of infant deaths associated with Mattel’s Rock ‘n Play Sleeper and the grave flaws in the United States consumer product safety system. The hearing will include testimony by the chief executive officer of Mattel and the head of Fisher-Price, Mattel’s wholly-owned subsidiary that sold the Rock ‘n Play.

**I. THE FISHER-PRICE ROCK ‘N PLAY**

In a 2005 policy statement, the American Academy of Pediatrics stated that infants should be placed wholly on their back for sleep and that a “firm crib mattress, covered by a sheet, is the recommended sleeping surface.”<sup>1</sup> Despite this recommendation, Fisher-Price introduced the Rock ‘n Play in 2009, making it the only inclined-sleep product on the market at the time. Inclined sleepers allow infants to sleep at around a 30-degree angle, with the infant’s feet at a downward slope from the infant’s head. Fisher-Price explicitly marketed the Rock ‘n Play for infant sleep, with advertising materials stating that, in the Rock ‘n Play, “baby can sleep at a comfy incline all night long.”<sup>2</sup> During the approximately ten years this product was on the market, at least 50 infants died while using it.<sup>3</sup>

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<sup>1</sup> *AAP Releases New Guidelines on Preventing SIDS*, American Family Physician (Dec. 1, 2005) (online at [www.aafp.org/afp/2005/1201/p2368.html](http://www.aafp.org/afp/2005/1201/p2368.html)).

<sup>2</sup> *Before Fisher-Price’s Rock ‘n Play Recall, Safety Fears and Dubious Marketing*, New York Times (Apr. 19, 2019) (online at [www.nytimes.com/2019/04/19/business/fisher-price-recall.html](http://www.nytimes.com/2019/04/19/business/fisher-price-recall.html)).

<sup>3</sup> *New Evidence Shows More Infant Deaths Tied to Inclined Sleepers than Previously Reported*, Consumer Reports (Mar. 11, 2020) (online at [www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported/](http://www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported/)).

The Consumer Product Safety Commission (CPSC) has a statutory mission to protect the public from injuries and deaths associated with consumer products, including by developing uniform safety standards.<sup>4</sup> However, the agency never promulgated a safety standard for infant inclined-sleep products like the Rock ‘n Play. The only safety standard for these products—as for many other consumer products that are not subject to any CPSC standard—is the voluntary standard set by ASTM International, a non-governmental consumer product safety organization.

In early 2019, CPSC inadvertently submitted unredacted safety data about fatalities in inclined sleepers to the publication *Consumer Reports*. Based on this data, *Consumer Reports* determined that at least 29 infant deaths had been linked to the Rock ‘n Play. Following the inadvertent data release to *Consumer Reports*, Fisher-Price and CPSC issued a joint statement alerting the public to infant deaths associated with the Rock ‘n Play and warning that consumers should “stop use of the product by three months of age, or as soon as an infant exhibits rollover capabilities.”<sup>5</sup>

On April 8, 2019, *Consumer Reports* published a report based on “previously undisclosed CPSC data,” revealing that at least 32 infants had died in the Rock ‘n Play—identifying three additional Rock n’ Play deaths through independent investigation. The report concluded:

[T]he number of incidents associated with the Rock ‘n Play Sleeper, combined with long-standing expert medical advice that babies should sleep on firm, flat surfaces, raises serious safety concerns about the product.<sup>6</sup>

The report asked: “At least 32 babies have died while in the sleeper. Why is it still on the market?”<sup>7</sup> Four days later, on April 12, 2019, CPSC announced a recall of Mattel’s Rock ‘n Play Sleeper. By the time it was recalled, Mattel had sold approximately 4.7 million Rock ‘n Play Sleepers to consumers in the United States.<sup>8</sup>

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<sup>4</sup> 15 U.S.C. § 2051.

<sup>5</sup> Consumer Product Safety Commission, *CPSC ALERT: CPSC and Fisher-Price Warn Consumers About Fisher-Price Rock ‘N Play Due to Reports of Death When Infants Roll Over in the Product* (Apr. 5, 2019) (online at [www.cpsc.gov/Newsroom/News-Releases/2019/CPSC-ALERT-CPSC-and-Fisher-Price-Warn-Consumers-About-Fisher-Price-Rock-N-Play-Due-to-Reports-of-Death-When-Infants-Roll-Over-in-the-Product](http://www.cpsc.gov/Newsroom/News-Releases/2019/CPSC-ALERT-CPSC-and-Fisher-Price-Warn-Consumers-About-Fisher-Price-Rock-N-Play-Due-to-Reports-of-Death-When-Infants-Roll-Over-in-the-Product)) (emphasis in original).

<sup>6</sup> *Fisher-Price Rock ‘n Play Sleeper Should Be Recalled, Consumer Reports Says*, *Consumer Reports* (Apr. 8, 2019) (online at [www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/](http://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/)).

<sup>7</sup> *Id.*

<sup>8</sup> Consumer Product Safety Commission, *Fisher-Price Recalls Rock ‘n Play Sleepers Due to Reports of Deaths* (Apr. 12, 2019) (online at [www.cpsc.gov/Recalls/2019/fisher-price-recalls-rock-n-play-sleepers-due-to-reports-of-deaths](http://www.cpsc.gov/Recalls/2019/fisher-price-recalls-rock-n-play-sleepers-due-to-reports-of-deaths)).

## II. COMMITTEE INVESTIGATION

On August 13, 2019, the Committee launched an investigation into the safety and regulation of Fisher-Price’s Rock ‘n Play and other infant inclined-sleep products.<sup>9</sup> In letters to three inclined sleeper manufacturers, then Chairman Elijah E. Cummings wrote that reports of the dangers of the Rock ‘n Play “raise serious concerns about the internal and regulatory processes for introducing new products for infants and children into the market and the marketing tactics used to sell those products.” The Committee requested production of ten categories of documents from three inclined sleeper manufacturers.<sup>10</sup>

The Committee also sent letters to CPSC, ASTM International, and the Juvenile Products Manufacturers Association. The Committee obtained thousands of documents and conducted seven transcribed interviews with current and former Mattel employees and officials at CPSC about the safety of the Rock ‘n Play.<sup>11</sup>

## III. HEARING PURPOSE

The hearing will examine findings from the Committee’s investigation, including deficiencies in Mattel’s safety practices and federal product safety regulation that allowed millions of American consumers to purchase a product that put infants in danger of serious injury or death.

## IV. WITNESSES

**Ynon Kreiz**  
Chief Executive Officer  
Mattel Inc.

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<sup>9</sup> Committee on Oversight and Reform, *Press Release: Committee Seeks Documents on Inclined Sleepers Linked to Dozens of Infant Deaths and Injuries* (Aug. 13, 2019) (online at <https://oversight.house.gov/news/press-releases/committee-seeks-documents-on-inclined-sleepers-linked-to-dozens-of-infant-deaths>); *House Committee Asks Graco and Chicco to Consider Recalls of ‘Playard’ Inclined Sleepers*, USA Today (Mar. 9, 2020) (online at [www.usatoday.com/story/money/2020/03/06/baby-sleeper-recall-house-committee-graco-chico/4975617002/](http://www.usatoday.com/story/money/2020/03/06/baby-sleeper-recall-house-committee-graco-chico/4975617002/)).

<sup>10</sup> *See, e.g.*, Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, Committee on Oversight and Reform, to Robert Normile, Executive Vice President, Mattel Inc. (Aug. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-08-13.EEC%20RK%20to%20Mattel%20re%20Inclined%20Sleepers%20FINAL.docx.pdf>).

<sup>11</sup> Committee on Oversight and Reform, Interviews of Jason Mark McColgan, Senior Vice President of U.S. Sales, Mattel Inc. (July 13, 2020); Tamara Towles-Schwen, former Senior Analyst for Marketing Research, Mattel Inc. (July 17, 2020); Ronda Strauss, former Risk Management Manager, Fisher-Price (July 23, 2020); Catherine “Kitty” Pilarz, Senior Director of Product Safety, Mattel, Inc. (Aug. 13, 2020); Duane Boniface, Director of the Office of Hazard Identification and Reduction, Consumer Product Safety Commission (Sept. 9, 2020); Robert Kaye, Director of the Office of Compliance and Field Operations, Consumer Product Safety Commission (Sept. 16, 2020); and Ian Johnston, former Senior Manager for International Marketing, Fisher-Price (Sept. 25, 2020).

**Chuck Scothon**

Senior Vice President and General Manager, Fisher-Price  
Global Head of Infant and Preschool, Mattel Inc.

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