



NEW YORK STATE SENATOR

David Carlucci

## Senator Carlucci Releases Report & New Legislation to Fight the Sale of Recalled Products Online

DAVID CARLUCCI June 14, 2017

| ISSUE: **CONSUMER PROTECTION, CHILD SAFETY, PRODUCTS**



ALBANY– Senator David Carlucci (D-Rockland/Westchester) will release the findings of a report compiled by Senator Carlucci, Chair of the NYS Senate's Consumer Protection Committee, detailing the threats associated with purchasing recalled products through online marketplaces such as eBay, Craigslist or Amazon. Carlucci will also announce legislation that requires online market places to provide a product recall search web form where sellers may search the United States Consumer Product Safety Commission's recall

central database to determine whether products they are selling have been recalled.

Online websites such as Craigslist and eBay have become a common medium in which recalled products are resold. In response to a 2007 report that eBay was selling recalled products, they stated that they "cannot police the millions of new and used items for sale on its own side. Similarly, Craigslist states on their website that the sale of recalled items is prohibited, provides a link for users to access a list of recalled items, and notifies users that this type of sale is prohibited even though the website does not actually prevent the sale.

In 2009, the Consumer Product Safety Commission (CPSC) launched a resale roundup campaign with a goal of getting dangerous recalled products out of resale stores and off the internet. Yet, in 2014, Craigslist was found to still be selling recalled products.

As Chair of the Senate's Consumer Protection Committee, Senator Carlucci conducted an investigation of items already flagged for recall by the CPSC and found that over one-third of those products were still available for resale. Some recalled products still had several listings.

"Recall alerts on various products are issued every day yet somehow very few actually reach consumers. The ease of which these flawed products can be purchased online is alarming and consumers deserve to have information easily available to them when they are shopping online, especially for children's products," **stated Senator David Carlucci.**

Kids in Danger (KID), a nonprofit organization founded in 1998, is dedicated to protecting children by improving product safety is co-founded by a mother whose child died from a previously recalled portable crib collapsing at her son's daycare. The most recent KID report card spells out the ineffectiveness of recall execution over the last 2 years:

- Incidents and injuries were both reported above 2015 levels: there were 819 incidents where products were recalled and not removed from the consumer resulting in 36 injuries and 0 deaths.
- In 2016, there were 4,842 incidents, 394 injuries and 7 deaths as a result of a 12% increase in recalls for children's products.

"Much has changed from 1998 – we shop differently, get information differently and in some ways it has increased our ability to learn of recalls – we get email alerts, see it in our Facebook feed or otherwise have access to more information. But as the report done by the Senator's office shows, too many recalled products still end up in our homes and child care facilities. And some of them are sold and resold – or donated – through online marketplaces along with less formal online sites such as Facebook groups. At KID we know firsthand of the pain and tragedy that can be caused by recalled products and we believe this bill will address one source of recalled products reaching our homes as well as educate consumers about recalled products," **said Nancy Cowles, Executive Director of Kids in Danger (KID)**

Carlucci has also introduced S6508, which requires online market places to provide a product recall search web form where sellers may search the United States Consumer Product Safety Commission's recall central database to determine whether products they are selling have been recalled. "This is simple technology that already exists that has to be used better and in a way that makes sure information reaches consumers before they put a child in danger. there is clear evidence that recalled products are still being sold despite the legal prohibition. Requiring online marketplace websites to create product recall check forms and ensuring that sellers know the liabilities they face when selling a recalled product, are major steps forward towards saving lives, **added Carlucci.**"

“Recalled products can pose serious risks to consumers and their families when they remain in homes and when unintentionally purchased. Recall effectiveness must be improved so that recalled products are not sold, enforcement of the prohibition of the sale of recalled products is enhanced, and communication to consumers about recalled products is better targeted. We support Senator Carlucci’s bill, S 6508 to address the risks posed by online sales of consumer products. This bill creates an important mechanism for online sellers to determine whether the products they are selling have been recalled. This will lead to better informed sellers, online retailers, and consumers and to fewer recalled products sold online,” **stated Rachel Weintraub, Legislative Director & General Counsel, Consumer Federation of America.**

"W.A.T.C.H., inc. commends Senator Carlucci for raising awareness about the important safety issue of the sale of recalled products online. The availability of recalled children’s products online can lead to potentially dangerous consumer purchases; to avoid injuries or death to children, more regulations are needed. For many years, W.A.T.C.H., Inc. has addressed this very issue. Online shopping is convenient and easy—but as the popularity of online shopping continues to grow exponentially, so must industry standards and safety regulations. Many toy shoppers may not be getting complete information when buying toys online so they may not know hazards of a purchase at the time of sale. Consumers buying toys on the Internet are already at a disadvantage as they are unable to touch and physically inspect a toy and its packaging at the time of sale for more obvious; when recalled products--products already deemed unfit for sale -- are available online, the potential risk of serious injury to children is elevated. Many of the toys recalled put children at risk of serious injury or death," **stated Joan Siff, President of W.A.T.C.H., inc.**

"While the internet marketplace is well past its infancy, consumer protections lag and there's still a Wild West element to shopping in cyberspace," **said NYPIRG attorney Russ Haven.**

"Senator Carlucci's survey shows that products that have been recalled and shouldn't be sold—including kids' toys—are still available without notice or warning to unsuspecting consumers. This legislation will make it easier for online shoppers to check to see if a product's been recalled and help them to protect their wallet and potentially their health and safety."

"Senator Carlucci's bill is so important because it's too easy for parents to buy and use products that are dangerous. One example are the hoverboards, many of which have been recalled, which can light on fire and cause serious injury or even death, which is what happened involving two sisters aged 2 and 10 in your neighboring state's Capitol, Harrisburg. We can still buy that model of hoverboards on Craigslist, eBay and garage sales," **said Anthony Green, Director, Public Policy, Safe Kids Worldwide**

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#### RELATED LEGISLATION

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### 2017-S6508

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly

- On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Requires online market places to provide a product recall search web form

May 26, 2017

In Senate Committee Consumer Protection

Sponsored by David Carlucci

Do you support this bill?