

Consumer Product Safety Regulation

Consumer complaints are often the first indication that a product may be unsafe. What are your obligations? When are they triggered? Failure to take timely action can subject a firm to substantial penalties and risk allowing unsafe products on store shelves.

The lawyers at Hogan Lovells bring a wealth of experience and a keen understanding of how CPSC operates, enabling companies to quickly work through complex issues. We have more than 30 years of experience advising on consumer protection regulations, including labeling requirements, certificates of conformance, testing programs, and reporting obligations. When a firm needs to conduct a global product recall, we can leverage our scope to assist clients in executing the recall in multiple jurisdictions.

Our work reflects the diversity of the firm's client base – wearable technologies, consumer electronics, computers, household appliances, infant and children's products and toys, instruction books, gas grills, furniture, personal care items, and numerous other products.

We can help you understand the impact of safety regulations on your business, how to develop programs to reduce the risk of violations, and what to when problems occur. Our practical focus is tied to a solid understanding of client objectives and providing expert, actionable advice to inform business decisions that must be considered quickly.

Contacts

Steven B. Steinborn,
Washington, D.C.

Leigh G. Barcham,
Washington, D.C.

Valerie Kenyon,
London

Practices

Products Law

Food Law

Crisis Leadership Team

Representative experience

Assisted numerous companies in undertaking an internal review of consumer incidents and other information to determine whether mandatory reporting to CPSC was triggered.

Conducted internal audits for several firms to evaluate and make recommendations on internal procedures for analyzing consumer incidents that could be evidence of a potential safety-related situation.

Assisted firms in notifying CPSC of a product issue and assist in contacts with CPSC, devising and executing a corrective action plan and negotiating all aspects of a recall with CPSC.

Assisted several firms in obtaining CPSC approval of a corrective action plan that did not require a nationwide press release.

Advised companies on compliance with labeling rules arising under the Federal Hazardous Substances Act and other statutes.

Assisted a consumer products company in addressing safety incidents arising from persistent misuse of a product and its obligations under CPSC requirements, including coordinating with experts to conduct a hazard/safety analysis.

Advise on child-resistant packaging issues, including appropriate validation of such packaging and when reporting to CPSC is required.

Guided an established consumer electronics company in changing its product instructions and warning statement to address a potential safety risk that was determined to fall short of a CPSC reporting obligation.

Handled the release of a “doll” fashioned after a popular cartoon character, involving the so-called “age-grading” criteria applied by the CPSC in determining the applicable safety standards for the item.

Avoided a public recall of a licensed character popular with children based on the company’s proactive steps and our

ability to satisfy the CPSC that the product did not pose a safety hazard.

Working with consulting engineers, we assisted in the development of a proprietary testing protocol for a class of consumer product that was specifically marketed to young children as “safe” and not posing a choking hazard.

Successfully negotiated with the CPSC to avoid the issuance of a recall press release for clients who were able to contact affected consumers directly.

Advised several construction materials companies on whether certain products were consumer products and on the appropriate labeling and other considerations arising from the marketing of the products.

Latest thinking and events

Hogan Lovells Publications

What product manufacturers need to know about how the Internet of Things is changing the way that the U.S. Consumer Product Safety Commission views product safety

Hogan Lovells Publications

Overcoming IoT litigation challenges: Will regulatory developments in the EU influence the design of connected devices?

Hogan Lovells Publications

How the Internet of Things could redefine product safety and liability in the EU

Hogan Lovells Publications

Over-the-air software updates for IoT devices present companies with product liability and safety opportunities — and challenges

Hogan Lovells Publications

Consumers' free choice: Consumer Council published report on mandatory cooling-off period in Hong Kong